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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2351.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CATSUP.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. J. Van Lill Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on December 5, 1910, from the State of Maryland into the District of Columbia of a quantity of catsup which was adulterated. The product was labeled: (On barrel head) "47 Wilson Brand Catsup Tomato Pulp Trimmings. Spice. Grain Vinegar, $\frac{1}{3}$ of 1% Benzoate of Sodium. S. J. Van Lill Co., Baltimore, Md. H. B. Terrett, Washington, D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed it to be sterile and that it contained yeasts and spores 104 per one-sixtieth cmm, bacteria 117,000,000 per cc, mold filaments in 84 per cent of the fields. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, tomatoes.

On November 30, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 21, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2352.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEWING GUM.

On April 26, 1912, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Chicle Co., a corporation engaged in business at Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9, 1910, from the State of Oregon into the State of Washington of a quantity of Adams Pepsin Tutti Frutti Gum which was misbranded. The product was labeled: (On wrapper) "This is a delicious and valuable remedy for Indigestion and dyspepsia. The chewing of this gum stimulates the flow of saliva, which gradually absorbs the pepsin, the results cannot but be beneficial. Manufactured by American Chicle Co., Successor Adams & Sons Co., Reg. U. S. Pat. Off. The finest quality of pepsin is used in this gum. Adams Pepsin Wintergreen 5 tablets Tutti-Frutti Gum For Indigestion and Dyspepsia. Guaranteed by American Chicle Co. under the Food and Drugs Act, June 30, 1906. Serial No. 1557. The finest quality of pepsin is used in this gum."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that no active pepsin was present therein. Misbranding of the product was alleged in the information for the reason that the labels and brands thereon were false and misleading, and the product was misbranded in that the product contained no active pepsin, whereas the statement "Adams Pepsin Tutti Frutti Gum" upon the packages and labels was calculated to and did convey to the intending purchaser the idea that active pepsin was present therein in sufficient quantity to aid the digestion and relieve the

indigestion and dyspepsia, and the statements on the label, as set forth above, were false and misleading for the reason that they were calculated to and did convey to intending purchasers the idea that said gum contained active pepsin and possessed the proteolytic power of pepsin, whereas, in truth and in fact, it contained no active pepsin and possessed none of the proteolytic power of pepsin.

On September 18, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2353.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, trading under the firm name of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants on January 14, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "5 lbs Net A. No. 1 Serial No. 312. Guaranteed *** Trade Mark Chocolate Candy Brownies. The word 'Brownies' copyrighted Nov. 22, 1887, by Hawley & Hoops, N. Y."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average gross weight of 4 packages, 5 pounds 4½ ounces; average tare, 4 packages, 6 ounces; average net weight, 4 pounds 14½ ounces; shortage, 1.72 per cent. Arsenic as arsenous oxid, 3.2 parts per million; test for shellac, positive; test for rosin, negative; the predominating flavor not that of chocolate. Microscopical examination: Corn starch present. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic. Misbranding was alleged for the reason that the product was in package form and the contents purported to be stated on the package in terms of weight, to wit, the package bore a statement that the article was of the weight of 5 pounds, net, when, in truth and in fact, it was less than 5 pounds net by weight.

On December 16, 1912, a plea of guilty to the information was entered on behalf of the defendants and the court imposed a fine of \$50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2354.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, Herman L. Hoops, and William F. Hoops, trading under the firm name of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 14, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The product was labeled: "5 lbs Net A. No. 1 Serial No. 312 Guaranteed * * * Trade Mark Chocolate Candy Brownies. The word 'Brownies' copyrighted Nov. 22, 1887 By Hawley & Hoops, N. Y."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Arsenic as As_2O_3 , parts per million, 6.3. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, a plea of guilty was entered on behalf of the defendants and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2355.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 14, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The product was labeled: "Trade Mark A. No. 1. Chocolate Cigarettes. 3 for one cent. Serial No. 312."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Arsenic as As_2O_3 , parts per million, 4.4. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, defendant entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2356.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 14, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The product was labeled: "(Trade Mark) A. No. 1. Tiny Chocolate Candy Dolls, 10 for 1¢ Guaranteed by Hawley & Hoops under Food and Drugs Act, etc., S. N., 312."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Arsenic as As_2O_3 , parts per million, 5; arsenic as As_2O_3 in outer shavings, parts per million, 67. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, plea of guilty was entered on behalf of defendants and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2357.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on February 22, 1910, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated. The product was labeled: "A No. 1 Serial No. 312, 100 Assorted Chocolate Candy Penny Goods."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: A composite sample of twelve different shaped pieces gave the following results: Predominating flavor not that of cocoa. Arsenic as arsenous oxid, 3.5 parts per million. Test for shellac, positive; test for rosin, negative. Microscopical examination: Corn starch present. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, plea of guilty was entered on behalf of defendants and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2358.

(Given pursuant to section 4 of the Foods and Drugs Act.)

ADULTERATION AND MISBRANDING OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of New York into the State of Pennsylvania—

(1) On August 26, 1910, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "5 lbs. Trade A. No. 1, Mark Nett. Chocolate Brownies The word 'Brownies' copyrighted Nov. 22, 1887, by Hawley & Hoops, N. Y." (Side) "Guaranteed by Hawley & Hoops, under the Food and Drugs Act, June 30/06, Serial No. 312."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Shellac varnish, 1.09 per cent; arsenic, parts per million of candy as arsenous oxid (As_2O_3), 5.3.

(2) On September 6, 1910, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "A No. 1, Trade Mark Chocolate Whistles One cent each." (Side of box) "Serial No. 312. Guaranteed under the Food and Drugs Act, June 30/06."

Analysis of a sample of this product, made by the Bureau of Chemistry, showed the following results: Arsenic, parts per million of candy as arsenous oxid (As_2O_3), 4.5. The arsenic appears to come from the shellac varnish present.

(3) On September 6, 1910, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "Trade A. No. 1, Mark, 100 Chocolate pipes one cent each. Serial No. 312 Guaranteed under the Food and Drugs Act June 30/06."

Analysis of a sample of this product, made by the Bureau of Chemistry, showed the following results: Shellac varnish, 0.78 per cent; arsenic, parts per million of candy as arsenous oxid (As_2O_3), 4.4. Adulteration of the products was alleged in the information for the reason that they contained an ingredient deleterious and detrimental to health, to wit, arsenic. Misbranding of the products was alleged for the reason that the label thereon regarding said products and the ingredients and substances contained therein were false and misleading, and said labels were calculated to deceive and mislead the purchaser, and that they would indicate that the products were composed of the ingredients which normally enter into chocolate confections, whereas in truth and in fact the products did not consist of the substances which normally enter into the composition of chocolate confections, but of a mixture of sugar and a small amount of chocolate, and were coated with shellac.

On December 16, 1912, a plea of guilty was entered on behalf of the defendants and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2359.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on January 26, 1911, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "100 A No. 1, Chocolate Candy Segars, Serial No. 312. Guaranteed * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: As_2O_3 , parts per million, 3.9. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic. Misbranding was alleged for the reason that the label set forth above regarding the product, and the ingredients and substances contained therein, was false and misleading, and was calculated to deceive and mislead the purchaser thereof, in that said label would indicate that the product consisted of sugar and chocolate, whereas in truth and in fact it consisted in part of shellac and resin, which are not normal ingredients of the product.

On December 16, 1912, a plea of guilty on behalf of the defendants was entered and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2360.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 4, 1910, from the State of New York into the State of Louisiana, of a quantity of confectionery which was adulterated. The product was labeled: "100 A No. 1 Chocolate Candy Segars—Serial No. 312—Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Arsenic as As_2O_3 , parts per million, 3.7. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, defendant entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2361.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CONFECTIONERY.

On December 16, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Henry L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on February 24, 1911, from the State of New York into the State of Minnesota, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "Teddy Chocolate Candy Bears. The words 'Teddy' and 'Teddy Bears' registered in United States Patent Office. Guaranteed by Hawley & Hoops under the Food and Drugs Act, June 30, 1906. Serial No. 312, A. No. 1."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it contained arsenic. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic. Misbranding was alleged for the reason that the label and package containing the product bore a statement, to wit, "chocolate candy," regarding it, and the ingredients and substances contained therein, which was false and misleading, in that said statement "chocolate candy" conveyed the impression that it was a pure chocolate candy, consisting only of the normal and edible ingredients which enter into the composition of chocolate candy, whereas in fact it was a mixture of candy and a resinous, inedible substance, not a normal ingredient of candy, and for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a pure chocolate candy, whereas it was a mixture of candy and a resinous inedible substance.

On December 16, 1912, a plea of guilty was entered on behalf of defendants and the court suspended sentence.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 3, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2362.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On December 16, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman W. Hoops, William F. Hoops, and Herman L. Hoops, doing business under the firm name and style of Hawley & Hoops, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on April 10, 1911, from the State of New York into the State of Indiana, of a quantity of confectionery which was adulterated. The product was labeled (in part): "Serial No. 312. Guaranteed under the Food and Drugs Act of June 30, 1906. A No. 1. Chocolate Segars."

Analysis of samples of the product by the Bureau of Chemistry of this Department showed that it contained arsenic. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On December 16, 1912, a plea of guilty was entered on behalf of defendants and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2363.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF APPLE BUTTER.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. J. Van Lill Co., a corporation, Baltimore, Md., alleging the shipment by said company, in violation of the Food and Drugs Act, on November 23, 1911, from the State of Maryland into the State of Texas of a quantity of apple butter which was adulterated. The product was labeled: "Astoria Brand Apple Butter made from apples, sugar, boiled cider, pure spices, prepared with 1-10 of 1% Benzoate of Sodium Prepared by S. J. Van Lill Co., Baltimore, Md."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it was sterile in 1 cc quantities, and that mold filaments were present in about 15 per cent of all microscopic fields examined; yeasts and spores, about 200 per one-sixtieth milligram; and bacteria, about 250,000,000 per gram, of which about 50,000,000 were rod-shaped bacteria. This product contained too many bacteria and also too many yeasts. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance, to wit, apples.

On November 30, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2364.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF ALFALFA MEAL.

On September 24, 1912, the United States Attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roswell Wool & Hide Co., Roswell, N. Mex., alleging shipment by said company, in violation of the Food and Drugs Act, on June 26, 1911, from the Territory (now State) of New Mexico into the State of Texas of a quantity of alfalfa meal which was misbranded. The product was labeled: "Choice Alfalfa Meal, Roswell Wool & H. Co., Mfr. (tag) 100 lbs. Pure Pecos Valley Alfalfa Meal from Roswell Wool & Hide Company, Roswell, N. M. Guaranteed analysis: Protein 16% ; Fat 2 per cent; Crude fibre 28% ; Nitrogen Free Extract 35 per cent." (Reverse side of tag): "Good for 100 pounds, H. H. Harrington, Director. The inspection tax has been paid on this feed, J. W. Carson, State Food Inspector, College Station, Texas."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Moisture, 6.61 per cent; ether extract, 2.00 per cent; protein, 14.29 per cent; crude fiber, 30.33 per cent. Misbranding of the product was alleged in the information for the reason that the label thereon bore certain statements regarding it and the ingredients and substances contained therein which were false and misleading, and the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label bore a statement and the product was labeled and branded with the statement in substance and effect that said product by analysis contained 16 per cent of protein and only 28 per cent of crude fiber, whereas, in truth and in fact, it did not contain 16 per cent of protein but a considerably less percentage thereof, and did contain a much greater percentage of crude fiber than 28 per cent.

On October 16, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2365.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ACETANILID TABLETS; ADULTERATION OF CAFFEINE CITRATE TABLETS; ADULTERATION AND MISBRANDING OF NITROGLYCERIN TABLETS; ADULTERATION AND MISBRANDING OF QUININE SULPHATE TABLETS; ADULTERA- TION AND MISBRANDING OF SODIUM SALICYLATE TABLETS.

On July 29, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 9, 1911, from the State of Illinois into the State of Indiana—

(1) Of a quantity of acetanilid tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Acetanilid No. 104 (Aromatic) Acetanilid 3 grs. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average acetanilid per tablet, 1.86 grains; shortage about 38 per cent. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold, to wit, 3 grains of acetanilid, the real average strength of said tablets being, to wit, 1.86 grains of acetanilid. Misbranding was alleged for the reason that the product had on its label the following statement among others concerning the ingredients therein contained, to wit, "500 Tablets No. 104 Acetanilid 3 Grs.," which statement was false and misleading because it created the impression that each tablet contained 3 grains of acetanilid, when, in truth and in fact, the tablets contained on an average only 1.86 grains of acetanilid, and for the further reason that the bottle containing the

product failed to bear a statement of the quantity or proportion of acetanilid contained therein in type sufficiently large to attract the attention of the purchaser and plainly inform him of the presence of the ingredient named, to wit, acetanilid, and failed to comply with Regulation 17, paragraph C, of the Rules and Regulations heretofore made and approved by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor for the enforcement of said Act.

(2) Of a quantity of caffeine citrate tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Caffeine Citrate. Caffeine Citrate 1 gr."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed caffeine citrate per tablet 0.47 grain. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold, to wit, caffeine citrate 1 grain, the real average strength of each tablet being, to wit, 0.47 grain of caffeine citrate. Misbranding was alleged for the reason that the package containing the product bore on the label the following statement among others concerning the ingredients therein contained, to wit, "Caffeine Citrate 1 Gr.," which statement was false and misleading because it created the impression that each tablet contained 1 grain of caffeine citrate, when, in truth and in fact, the tablets contained on an average only 0.47 grain of caffeine citrate.

(3) Of a quantity of nitroglycerin tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Nitroglycerin. Nitroglycerin 1-50 grain. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed nitroglycerin per tablet 0.011 grain. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, nitroglycerin, one-fiftieth grain, the real strength of said tablets being, to wit, eleven one-thousandths of a grain of nitroglycerin. Misbranding was alleged for the reason that the package containing the product bore on the label the following statement among others concerning the ingredients therein contained, to wit, "Nitroglycerin 1-50 grain," which said statement was false and misleading because it created the impression that each tablet contained one-fiftieth grain of nitroglycerin, when, in truth and in fact, each of said tablets contained eleven one-thousandths of a grain of nitroglycerin.

(4) Of a quantity of quinine sulphate tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Quinine Sulphate pink No. 860 Quinine Sulphate 3 grs. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed quinine sulphate per tablet 2.3 grains. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, "Quinine Sulphate 3 Grs.," the real strength of the tablets being, to wit, 2.3 grains of quinine sulphate. Misbranding of the product was alleged for the reason that the package containing the tablets bore on its label the following statement among others concerning the ingredients therein contained, to wit, "Quinine Sulphate 3 Grs.," which said statement was false and misleading because it created the impression that each of the tablets contained 3 grains of quinine sulphate, when, in truth and in fact, each of said tablets contained 2.3 grains of quinine sulphate.

(5) Of a quantity of sodium salicylate tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Sodium Salicylate No. 911 Plain Sodium Salicylate 5 grains. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average sodium salicylate per tablet, 4.06 grains; shortage, 18 per cent. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, "Plain Sodium Salicylate 5 Grains," the real strength of the tablets being, to wit, 4.24 grains of plain sodium salicylate. Misbranding was alleged for the reason that the package containing the product bore on its label the following statement, among others, concerning the ingredients therein contained, to wit, "Plain Sodium Salicylate 5 Grains," which said statement was false and misleading because it created the impression that each of the tablets contained an average of 5 grains of plain sodium salicylate, when, in truth and in fact, each of the tablets did not contain an average of 5 grains of plain sodium salicylate, but each contained an average of, to wit, 4.24 grains of sodium salicylate.

On December 17, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2366.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ACETANILID AND CAFFEINE COMPOUND TABLETS.

On October 28, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 9, 1911, from the State of Illinois into the State of Indiana, of a quantity of acetanilid and caffeine compound tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Acetanilid and Caffeine Comp. No. 120 Pink Acetanilid $3\frac{1}{2}$ grs. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Acetanilid per average tablet, 2.563 gr.; caffeine citrate per average tablet, 0.530 gr.; shortage of acetanilid, 26.7 per cent. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, $3\frac{1}{2}$ grains of acetanilid, the real strength of the tablets being, to wit, 2.563 grains of acetanilid. Misbranding was alleged for the reason that the label on the product bore the following statement, among others, concerning the ingredients therein contained, to wit, "500 Tablets Acetanilid and Caffeine Comp. No. 120 Pink Acetanilid $3\frac{1}{2}$ grs.", which said statement was false and misleading because it created the impression that each of the tablets contained $3\frac{1}{2}$ grains of acetanilid when, in truth and in fact, the tablets contained on an average only 2.563 grains of acetanilid. Misbranding was alleged for the further reason that the package containing the product failed to bear a statement of the quantity or proportion of

acetanilid contained therein in type sufficiently large to attract the attention of the purchaser and plainly inform him of the presence of the ingredient named, to wit, acetanilid, and failed to comply with regulation 17, paragraph C, of the Rules and Regulations heretofore made and approved by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor for the enforcement of said Act.

On December 17, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2366



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2367.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TINCTURE OF DEODORIZED OPIUM.

On November 15, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 9, 1911, from the State of Illinois into the State of Indiana, of a quantity of tincture of deodorized opium which was adulterated and misbranded. The product was labeled: "Tinct. Opium Deodorized. Alcohol 25 per cent. Opium strength U. S. P. Dose, 5 to 20 min. No. 1488. Guaranteed under the Food and Drugs Act June 30, 1906. Flint, Eaton & Co., Manufacturing Chemists, Decatur, Illinois (in corners, monogram, FE&Co.)"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Morphin (gram per 100 cc), 0.917; alcohol (per cent by volume), 40.44. Adulteration of the product was alleged in the information for the reason that it was sold and shipped under and by a name recognized in the United States Pharmacopœia, to wit, under the name of tincture of deodorized opium, the standard of which at that time, as specified in said Pharmacopœia, being that 100 cc of the tincture of deodorized opium should yield not less than 1.2 grams nor more than 1.25 grams of crystallized morphin, whereas said product at the time of shipment differed from the standard of strength of tincture of deodorized opium as determined by the tests laid down in said Pharmacopœia official at the time of investigation, in that it contained crystallized

morphin per 100 cc, to wit, 0.917 gram, it being deficient in morphin, and the bottle containing said product at the time of shipment did not have the standard of strength plainly stated thereon. Misbranding was alleged for the further reason that the product contained opium and morphin, and the package containing it failed to bear a statement on the label of the quantity or proportion of morphin or opium contained therein, and for the further reason that the statement "Alcohol 25 per cent" borne on the label was false and misleading because it created the impression that the product contained 25 per cent alcohol, when, in truth and in fact, it contained a greater amount of alcohol, to wit, 40.44 per cent.

On December 17, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2367



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2368.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BUTTER.

On December 6, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Hugh W. Fred, Wilson's Café, Washington, D. C., alleging the sale by said defendant, at the District aforesaid, on April 26, 1912, in violation of the Food and Drugs Act, of a quantity of so-called butter which was adulterated and misbranded. The product bore no label, but was sold and represented as butter.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Melting test, very cloudy; foam test, very little foam; refraction at 40° C., 48.0; Reichert Meissl number, 5.6. Adulteration of the product was alleged in the information for the reason that another substance, namely, oleomargarine, had been substituted in whole or in part for the genuine article of food, namely, butter. Misbranding was alleged for the reason that the product was an imitation of and was offered for sale and sold under the distinctive name of another article of food, namely, butter.

On December 6, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2369.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLES AND DRIED CHERRIES.

On October 12, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 bags of dried apples and one bag of dried cherries remaining unsold in the original unbroken packages and in possession of the Northern Central Railway Co., Baltimore, Md., alleging that the product had been shipped on or about October 8, 1912, from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Fruit Shipped by H. P. Payne & Bro. P. O. Address Benvenue, Va. From Marshall, Va. R. S. Jackson & Co. Produce Commission Merchants Eggs, Poultry, Butter No. 113 S. Charles St. Baltimore, Md. Reference The Maryland National Bank of Baltimore, Md."

Adulteration of the products was alleged in the libel for the reason that they consisted in part of filthy animal and vegetable substances, to wit, worms, worm excreta, and worm-eaten apples and cherries.

On November 21, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

88829°—No. 2369—13



Journal of the Proceedings of the

General Assembly of the

Presbyterian Church of the United States

1852

Vol. 1

Published by the General Assembly of the Presbyterian Church of the United States

At the General Assembly of the Presbyterian Church of the United States, held at the City of New York, on the 1st day of October, 1852.

The following resolutions were adopted:

Resolved, That the General Assembly of the Presbyterian Church of the United States, do hereby express its deep sympathy for the oppressed people of all nations, and its hearty cooperation with the efforts of the Christian community to secure their freedom and happiness.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2370.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLES.

On November 1, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of ten bags of dried apples remaining unsold in the original unbroken packages and in possession of the Chesapeake Steamship Co., Baltimore, Md., alleging that the product had been shipped on or about October 23, 1912, from the State of North Carolina into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "R. S. Jackson and Company, Baltimore, Md., from Sam'l Bear Sr and Son, Wholesale Grocers, Hides, Furs, Wax, Deer Tongue 18 and 20 Market St., Wilmington, N. C."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of filthy animal and vegetable substances, to wit, worms, worm excreta, sugar mites, foreign substances such as dirt, and decayed apples.

On December 2, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

88829°—No. 2370—13



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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2371.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHESTNUTS.

On November 7, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five sacks of chestnuts remaining unsold in the original unbroken packages and in possession of the Cheasapeake Steamship Co., Baltimore, Md., alleging that the product had been shipped on or about November 5, 1912, from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Shipped by E. P. Moran, P. O. Address Woolwine Va. Expressed from Stuart Va. R. S. Jackson and Co., Produce Commission Merchants, Eggs, Poultry, Butter, 113 S. Charles Street, Baltimore, Maryland."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of filthy animal and vegetable substance, to wit, worms, worm excreta, worm-eaten chestnuts, and decayed chestnuts.

On December 2, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS.

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

88829°—No. 2371—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2372.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On December 18, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of the said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Simon P. Knill, of Barnesville, Md., alleging the sale by said defendant, at the District aforesaid, on November 8, 1912, in violation of the Food and Drugs Act, of a quantity of cream which was adulterated. The product bore no label.

Adulteration of the product was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been left out or abstracted in whole or in part.

On December 18, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2373.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GIN.

On August 17, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 casks of gin remaining unsold in the original unbroken packages upon the pier of the Philadelphia & Reading Railway Co. at the foot of Catherine Street, Philadelphia, Pa., alleging that the product had been shipped on or about August 9, 1912, from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Londock Gin. This Gin is distilled from Italian juniper berries, and is in every respect as good for medicinal and other purposes as any imported. Corning and Company."

Misbranding of the product was alleged in the libel for the reason that it was labeled and branded as set forth above, by virtue of which said label and brand the product purported to be a foreign product, whereas, in truth and in fact, it was not so but had been manufactured and produced in the United States of America.

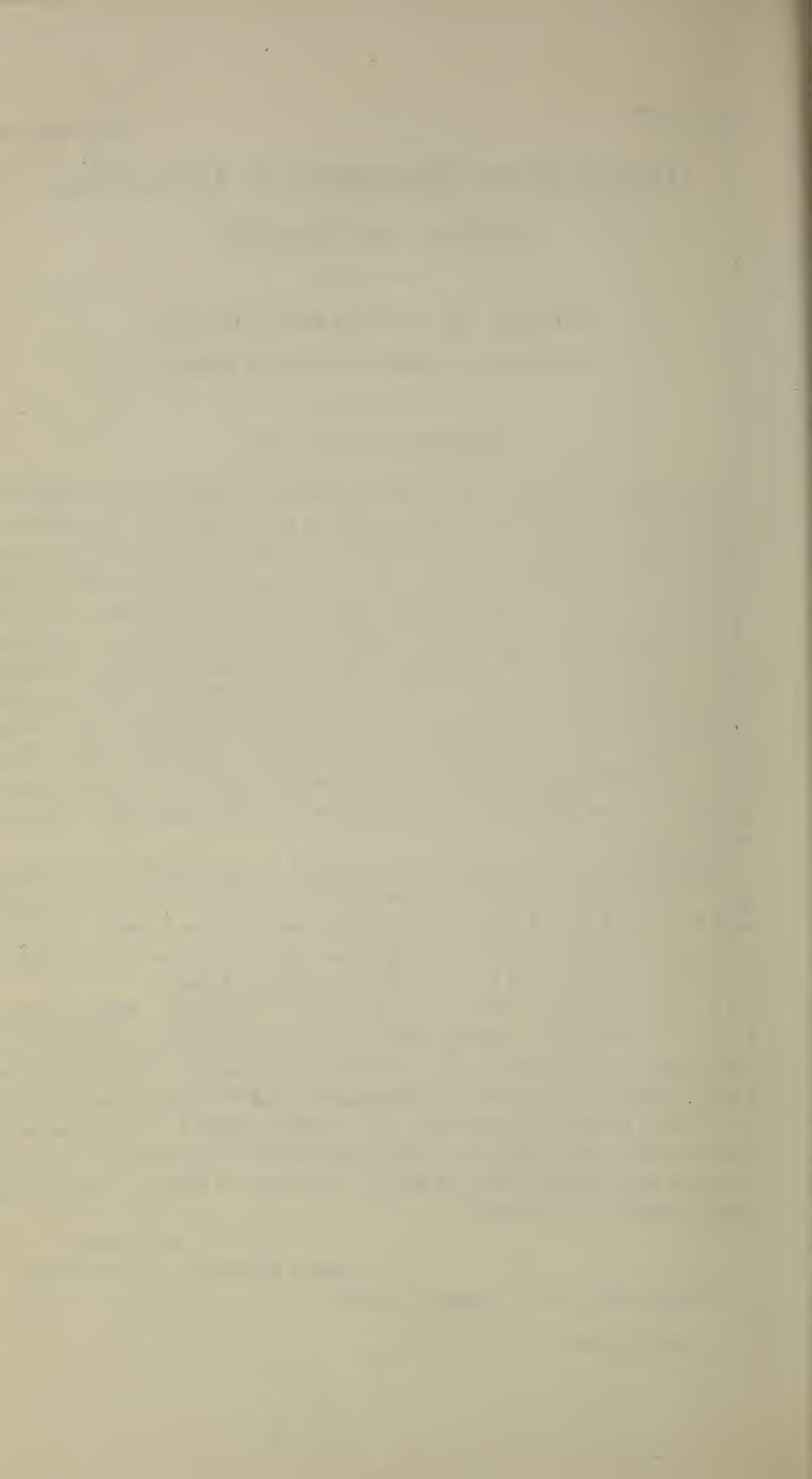
On December 18, 1912, Corning & Co., claimants, Philadelphia, Pa., and Peoria, Ill., having admitted in part the averments of the libel, but having denied any intention of violating the laws of the United States, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 3, 1913.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2374.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GIN.

On September 13, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry H. Shufeldt & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on December 17, 1910, from the State of Illinois into the State of Pennsylvania, of a quantity of gin which was misbranded. The product was labeled: "Union Pacific Brand, Holland Process, Geneva Type, Gin. Serial No. 3999. Bottled direct from the wood. Guaranteed Finest quality."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.9509; alcohol, per cent by volume, 42.39; proof, degrees, 84.78; methyl alcohol, none; solids by evaporation, 0.17 gram per 100 cc; total acids, as acetic (grams per 100 cc), 0.0048; fixed acids, none; volatile acids, as acetic (grams per 100 cc), 0.0048; fixed esters, as acetic (grams per 100 cc), 0.0211; furfural, none; fusel oil, Allen-Marquardt (grams per 100 cc), 0.0158; color, water white. Misbranding of the product was alleged in the information for the reason that the statement on the label in prominent type, "Holland Geneva Gin", was false and misleading in that it conveyed the impression that said product was a genuine Holland gin, whereas, in truth and in fact, it was an imitation Holland gin of domestic manufacture. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive

the purchaser, being prominently labeled "Holland Geneva Gin" in large type, thus conveying the impression that it was a genuine imported Holland gin, whereas it was in fact an imitation Holland gin of domestic manufacture, and the false impression thus created was insufficiently qualified by the words in small letters "process" and "type."

On December 19, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2375.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DAMIANA.

On September 11, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry H. Shufeldt & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on September 29, 1911, from the State of Illinois into the State of Minnesota of a quantity of damiana which was misbranded. The product was labeled: "Imperial Brand Damiana High Life Cordial (Picture of a semi-nude woman with white wings holding crown in one hand and bottle in other), Guaranteed by Henry H. Shufeldt & Co., Peoria, Ill., under the Food and Drugs Act June 30, 1906, Serial No. 3999."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 25° C., 1.0340; solids (grams per 100 cc.), 14.90; ash, 0.21 per cent; reducing sugars as invert, 0.91 per cent; sucrose, 12.57 per cent; alcohol, per cent by volume, 18.2; a small quantity of a greenish resin-like substance was obtained in 100 cc., having the appearance and odor of damiana resin; no alkaloids present; citric acid present. Misbranding of the product was alleged in the information for the reason that the label thereon failed to contain any statement of the quantity or proportion of alcohol contained therein, each of the bottles of the product containing, to wit, 18.2 per cent of alcohol.

On December 19, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2376.

(Given pursuant to section 4 of the Food and Drugs Act.

ADULTERATION AND MISBRANDING OF JELLIES.

On December 12, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Seattle & Puget Sound Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 16, 1911, from the State of Washington into the State of Oregon, of a quantity of alleged jelly which was adulterated and misbranded. A portion of the product was labeled (in part): "Compound Jelly, Currant Flavor. Fruit Juice. Grape Sugar. Jelly Set." and a portion was labeled (in part): "Compound Jelly. Apple Flavor. Fruit Juice. Grape Sugar. Jelly Set."

Analysis of samples of the product by the Bureau of Chemistry showed the following results:

	Sample No. 1. Currant flavor.	Sample No. 2 Apple flavor.
Solids (per cent by weight).....	76.72	78.11
Commercial glucose (per cent by weight)	76.32	77.55
Polarization direct (20° C.) °V.....	126.6	129.2
Polarization invert (20° C.) °V	128.0	129.9
Polarization invert (87° C.) °V.....	124.4	126.4
Ash (per cent by weight).....	0.97	1.00
Ash soluble in water (per cent by weight).....	0.805	0.825
Ash insoluble in water (per cent by weight).....	0.165	0.175
Alkalinity soluble ash (cc N/10 acid per 100 grams).....	10.0	12.5
Alkalinity insoluble ash (cc N/10 acid per 100 grams).....	27.2	27.25
Acids (cc N/10 alkali per 100 grams).....	174.0	169.1
Sulphates, as H ₂ SO ₄ (per cent by weight).....	0.40	0.40

Adulteration of the products was alleged in the information for the reason that they contained an added poisonous and deleterious substance, to wit, sulphuric acid, which rendered them injurious to health. Misbranding was alleged for the reason that the products were so labeled and branded as to deceive and mislead the purchaser, the same being labeled "Compound Jelly (a portion being branded "Currant Flavor" and a portion "Apple Flavor"), Fruit Juice. Grape Sugar. Jelly Set." whereas, in truth and in fact, they were imitation jellies; and were further misbranded so as to deceive and mislead the purchaser, being labeled as aforesaid, thereby purporting that they were jellies when, in truth and in fact, they were imitation jellies; and were further misbranded in that the statement "Jelly Set" borne on said label was false and misleading in that it failed to disclose the nature of the substance used, to wit, sulphuric acid; and were further misbranded in that they were labeled and branded so as to deceive and mislead the purchaser, being labeled "Jelly Set," which said statement did not disclose the fact that it was sulphuric acid; and were further misbranded in that the statement "grape sugar" borne on the labels was false and misleading in that it deceived and misled the purchaser into the belief that the products were prepared with grape sugar, whereas, in truth and in fact, they were prepared with glucose.

On December 19, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs of \$25.37.

W. M. HAYS.

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2377.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OIL OF BENZALDEHYDE OR SYNTHETIC OIL OF BITTER ALMOND.

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dodge & Olcott Co., a New York corporation, doing business and having an office at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on July 5, 1911, from the State of Missouri into the State of Utah, of a quantity of oil benzaldehyde, otherwise known as synthetic oil of bitter almond, which was adulterated. The product was labeled: "Dodge & Olcott Co. New York. The standard of quality. D. & O. Essential oils, Drugs, Chemicals, Flavoring and Perfumery Materials. Benzaldehyde, Synthetic Oil Bitter Almond. Imported by Dodge & Olcott Co., Factory, Bayonne, N. J. New York. N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 1.0461 at 25° C.; benzaldehyde, 94.7 per cent; free benzoic acid, 0.96 per cent; chlorin, 0.225 per cent; hydrocyanic acid, absent. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, benzaldehyde, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that said article contained chlorin products and in that respect differed from said standard of strength, quality, and purity laid down in said Pharmacopœia, which Pharmacopœia

does not provide for or permit the presence of chlorin in the product, and the true standard of strength, quality, and purity of said product was not plainly stated upon the bottle or other container thereof.

On December 20, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2377



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2378.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ESSENCE OF JAMAICA GINGER.

At a stated term of the District Court of the United States for the Northern District of California, begun and holden at San Francisco on the first Monday in March, 1912, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Crown Distilleries Co., a corporation, of San Francisco, Cal., charging shipment by said company, in violation of the Food and Drugs Act, on August 20, 1910, from the State of California into the Territory of Alaska of a quantity of so-called essence of Jamaica ginger which was adulterated and misbranded. The product was labeled: "Unrivalled for exquisite flavor. Crown Distilleries Co. This label with fac-simile of our signature on every bottle." And also labeled: "Essence of Jamaica Ginger."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity (15.6° C.), 0.9361; alcohol (per cent by volume), 48.42; solids (gram per 100 cc), 0.29; capsicum (Lewall-Nelson test), positive; ginger (Seeker test), positive; color removed by fuller's earth, 75 per cent. Adulteration of the product was charged in the indictment for the reason that capsicum and artificial coloring matter had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that capsicum and coloring matter had been substituted for a large portion of the genuine essence of Jamaica ginger, and that said product was composed of a very highly dilute essence of Jamaica ginger, capsicum, and artificial coloring matter; and for the further

reason that the said product had been colored in a manner whereby inferiority was concealed. Misbranding was charged for the reason that the labels on the product, as set forth above, were false and misleading, in that they would and were calculated to mislead and deceive the purchaser into the belief that the product was an essence of Jamaica ginger, whereas, in truth and in fact, it was not so, but was a mixture of a highly dilute essence of Jamaica ginger, capsicum, and artificial coloring matter.

On December 20, 1912, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2379.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF RICE.

On May 15, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allen Bros. Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 3, 1911, from the State of Nebraska into the State of Utah of a quantity of rice which was adulterated and misbranded. The product was labeled: "Fancy quality Forest City Brand cleaned Head Rice Allen Bros. Co., Omaha, Neb. 2½ lbs. Net weight. Clean rice in a Clean Package. Packed by Allen Bros. Co., Omaha, Neb. Directions * * * *"

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Net weight, 2.333 pounds; short weight, 6.7 per cent; ash, 0.42 per cent; appearance of ash, skeleton. One hundred-gram portions of rice were superficially washed with 150 cc of water; washings decanted and evaporated; residues examined for total solids, glucose, ash, and qualitative composition of same. Weight of dried washings from 100 grams rice, 1.4446 grams; per cent dextrose in residue, 6.48; per cent ash in residue 12.24; qualitative examination of ash, largely silica and magnesia. Above results show that the sample is coated with glucose and talc. Adulteration of the product was alleged in the information for the reason that it was coated with glucose and talc, while no directions were given upon the label for the removal of the talc. Misbranding was alleged for the reason that the statement on the label "2½ lbs. net weight" was false and misleading, because each package of the product weighed less than 2½ pounds net weight. Misbranding was

alleged for the further reason that said statement "2½ lbs. net weight" borne upon the label thereof deceived and misled the purchaser thereof into the belief that he was procuring 2½ pounds of rice, whereas the weight of the contents of each package was less than 2½ pounds. Misbranding was alleged for the further reason that the contents of the packages of the product were not stated correctly on the outside thereof, being labeled as containing 2½ pounds net weight, whereas, in truth and in fact, the contents of each of the packages weighed less than 2½ pounds net.

On December 20, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2380.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MINERAL WATER.

On October 28, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against P. F. Panabaker, trading as the Hiccure Mineral Water Co., Omaha, Nebr., alleging shipment by him, in violation of the Food and Drugs Act, on or about June 29, 1911, from the State of Nebraska into the State of Kansas of a quantity of mineral water which was misbranded. The product was labeled: (On bottles) "Hiccure Mineral Water—\$1.00—Hiccure Mineral Water Co., 105 So. 15th St., Omaha, Nebr. (Notice) This water is Hiccure Springs Water filtered through great bodies Hiccure Mineral dug from under Hiccure Springs and permitted to oxidize in open air. * * *" (On circulars) "Natural Mineral Water. Pure Natural Remedy. The minerals of a Natural Mineral Water are food properties necessary to the blood and tissues of the body. Its food minerals are in the nicest, active and wholesome chemical forms suited to the needs of the diseased body. It is to be regarded as a food, not as a medicine. If a medicine is narcotic, it stimulates and may fatally shatter the system; if it is opiate, it stupefies and may render the system fatally inert; but a natural mineral water nourishes the system by its wholesome, active food—minerals—supplies energy and rebuilds blood and tissues. Hiccure Mineral Water is the strongest and most perfect of Natural Waters."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Ions.	Grams per litre.
Arsenic acid (AsO_4).....	0.000
Sulphuric acid (SO_4).....	86.981
Chlorin (Cl).....	.000
Ferric iron, Fe'''	23.578
Ferrous iron, Fe''549
Aluminium (Al).....	3.429
Manganese (Mn).....	.000
Calcium (Ca).....	.580
Magnesium (Mg).....	1.370
Sodium (Na).....	.079
Copper (Cu).....	.000
Total.....	116.566

Hypothetical combination.	Grams per litre.
Sodium sulphate (Na_2SO_4).....	0.244
Magnesium sulphate (MgSO_4).....	6.782
Calcium sulphate (CaSO_4).....	1.970
Ferric sulphate ($\text{Fe}_2(\text{SO}_4)_3$).....	84.414
Aluminium sulphate ($\text{Al}_2(\text{SO}_4)_3$).....	21.663
Ferrous sulphate (FeSO_4).....	1.493
Total.....	116.566

Misbranding of the product was alleged in the information for the reason that the statement on the circular attached to the package, "Natural Mineral Water," was false and misleading, as said product was not a natural mineral water, but an artificial mineral water, and was further misbranded in that the statement in said circular, "Pure Natural Remedy," was false and misleading, as it conveyed the impression that the product was a pure natural mineral water, whereas it was not a natural product, but an artificial mineral water, and was further misbranded for the reason that the statements appearing on the circular, as set forth above, were false and misleading, as they conveyed the impression that the product was not to be considered as a drug, whereas, in truth and in fact, it was an artificially prepared mineral water containing medicinal salts.

On December 20, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$15 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., March 3, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2381.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LEMON EXTRACT.

On August 8, 1912, the United States Attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Parker-Browne Co., a corporation, Fort Worth, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on November 6, 1911, from the State of Texas into the State of Florida of a quantity of so-called extract lemon terpeneless which was misbranded. The product was labeled: "Soluble Extract Lemon Terpeneless. Guaranteed by Parker-Browne Co. under Food and Drug Act of June 30th, 1906. Guarantee No. 3201. Prepared by Parker-Browne Co. Fort Worth, Tex."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it contained citral, 0.12 per cent. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which label and brand were untrue and were in fact misbrands and misbranding and said product was misbranded in that the term "Extract Lemon Terpeneless," as understood by the trade and the public generally, is the flavoring extract prepared by shaking oil of lemon with dilute alcohol or by dissolving terpeneless oil of lemon in dilute alcohol and containing in either case not less than 2 per cent by weight of citral derived from oil of lemon, while the product in question contained only 0.12 per cent of citral, a trace only of lemon oil, and was, therefore, not terpeneless extract of lemon, as understood by the trade and public generally and as represented in the label and brand. Misbranding was alleged for the further reason that the statement on the label

"Soluble Extract Lemon Terpeneless" was false and misleading in that it conveyed the impression that the product was a terpeneless extract of lemon, conforming to the commercial standard of said article, whereas, in fact, it was a dilute extract of lemon, deficient in citral.

On December 16, 1912, the case having come on for trial, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2382.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS.

On November 15, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of three pails of oysters remaining unsold in the original unbroken packages and in possession of the H. J. Cain Fish and Poultry Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of New York into the State of Ohio and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Will charge you with Pails unless returned at once by same express. For H. J. Cain Co. Cincinnati, Ohio, from Alexander Frazer Co. Wholesale Oyster Dealers and Planters Boat Nos. 1 and 3 foot of Pike Street Pier 32, East River—New York."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy animal substance.

On December 23, 1912, the Alexander Frazer Co., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal and that said claimant should pay all the costs of the proceedings.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2383.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SYRUP.

On November 20 and November 22, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 175 cases of syrup remaining unsold in the original unbroken packages and in possession of the Interstate Grocer Co., a corporation, Joplin, Mo., alleging that the product had been shipped on or about July 18, 1912, and on or about October 8, 1912, by the D. B. Scully Co., a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. Some of the cases were labeled: "One doz. No. 5 Cans Breakfast Corn Syrup." Some of the cases were labeled: "One-half dozen No. 10 cans Breakfast Corn Syrup." The cans in the cases were labeled variously as follows: "Fancy Trade Mark The Interstate Grocer Company, Joplin, Mo. Breakfast Drips. Packed for the Interstate Grocer Company, Joplin, Mo. 90% Corn Syrup 10% Refiners Syrup. Full Weight, Choice Quality." "Fancy Brand The Interstate Grocer Company Trade Mark Joplin Mo. Breakfast Drips 90% corn syrup, 10% Refiners Syrup Put up expressly for The Interstate Grocer Co. Joplin, Mo." "Fancy The Interstate Grocer Company Trade Mark Joplin Mo. Breakfast Drips 90% Corn Syrup, 10% Refiners Syrup. Full weight Packed for The Interstate Grocer Co. Joplin, Mo."

Misbranding of the product was alleged in the libels for the reason that, whereas it was stated on each of the labels upon said cases and cans and each of them that there was contained in the product 90 per cent of corn syrup and 10 per cent of refiners syrup, in truth and in fact the product contained 85 per cent of commercial glucose, and the labels so upon said cases and cans were misleading, false, and

untrue, and each of them deceived and misled the purchaser into believing that he was purchasing a product containing 90 per cent of corn and 10 per cent refiners syrup, whereas, in truth and in fact, he was purchasing a product containing 85 per cent of commercial glucose, and the cases and cans and each of them were further misbranded and the labels thereon were further false and misleading, in that there was contained upon each of said cans the words "Fancy Breakfast Drips," or "Breakfast Drips," which indicated a syrup obtained by draining crystallized sugar, and said words were false and misleading, in that the product was not obtained by the draining of crystallized sugar but contained 85 per cent of commercial glucose.

On December 7, 1912, the D. B. Scully Syrup Co., Chicago, Ill., claimant, having admitted the averments of the libels and consented to a decree, judgments of condemnation and forfeiture were entered and it was further ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceeding and the execution of bond in the sum of \$1,500 in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2384.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ORANGES.

On November 13, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on November 27, 1912, amended libels, for the seizure and condemnation of 8 carloads of oranges remaining unloaded and in original unbroken packages at the town of Proviso, Ill., alleging that the product was being transported from the State of California into divers other States and charging adulteration in violation of the Food and Drugs Act. Five carloads of the product had been shipped by the Lindsay Fruit Association, Lindsay, Cal., on November 6, 1912, a carload each to the States of New York, Massachusetts, Ohio, Rhode Island, and Ohio, respectively, and were labeled, among other things, "Dry Bog Brand", "Craigy Nos Brand", "Blue Label Brand", "Happy Boy Brand" and "Sunkist Oranges and Lemons"; one carload had been shipped by the Tulare County Citrus Exchange, Porterville, Cal., November 8, 1912, into the State of New York, and was labeled, among other things, "Sunkist Oranges and Lemons"; one carload had been shipped on November 8, 1912, by the Stewart Fruit Co., Porterville, Cal., into the State of Wisconsin, and was labeled, among other things, "Winterhaven"; one carload had been shipped on November 8, 1912, by the Drake Citrus Association for the Central California Citrus Exchange from Lindsay, Cal., into the State of Massachusetts, and was labeled, among other things, "Sunkist Oranges and Lemons".

Adulteration of the product was alleged in the libels for the reason that it was colored, coated, or stained in a manner whereby damage and inferiority were concealed.

On December 20, 1912, the case having come on for hearing before the court, after the submission of evidence and argument by counsel the following opinion was delivered by the court (Landis, J.):

In the view I have of the facts and the law of this case, I do not care to hear from the United States District Attorney, and in view of the presence here from their homes of the counsel and other persons who are interested in or necessarily connected with, as parties and otherwise, this litigation, I will dispose of this matter now, although it is of a character which would make it proper, did these conditions not exist, to take time to set down on a paper the considerations and reasons and theories which move my mind.

Taking up the last point first; the Federal pure food and drugs act contemplates two methods of procedure for the enforcement of its provisions in the courts of the United States: one, at his own instance or on his own initiative, by information presented by the United States District Attorney or an indictment by grand jury; the other, a preliminary examination and investigation by the Department of Agriculture, resulting in a transmission to the District Attorney for the proper district of a statement of the disclosures made at the examination by the Department, to be followed by the District Attorney by an appropriate proceeding.

This question is not a new question in this district. The question that has just been argued to me is not a new question here. It has arisen, I suppose in probably a score of cases. I suppose nothing is in the books. I know of nothing in the books from me on this subject. I have no time to get things in the books. I would like to do it at times, but I don't have the time.

The first time this question arose was in a criminal prosecution where there was either an objection to testimony by the defendant under indictment or a motion to direct an acquittal by a defendant under indictment, because of the fact that the indictment did not allege the fact that the Department of Agriculture had taken the preliminary step, and that it had not been followed by proof that the Department of Agriculture had taken the preliminary step. The argument was made, and it was an attractive argument and it is not altogether an irrational argument, considering it as a legal proposition, and yet I came to the other conclusion. And it came up again, and I came to the same conclusion. And it commenced to come up around in different courts, and they disagreed from me. So that the question of whether a man was guilty or innocent depended a good deal on the district in which he happened to be charged, which is an unfortunate condition of affairs. Finally, this Supreme Court decision came up. The judgment of the trial court, to review which the Morgan case went to the Supreme Court, having been rendered at about the time that a judgment contrary to the trial court's judgment there was rendered in this district. And I read the opinion of the trial judge in this Morgan case before the Supreme Court passed upon that question and I was somewhat inclined to agree with the trial judge in the case, after reading his opinion. But that case went to the Supreme Court, and when Judge Lamar handed down his opinion I studied that opinion at the time, and I came to the conclusion that the Supreme Court intended to decide that point. I have re-read that opinion here, and while it is true, as the counsel for the claimant who last addressed the court, called the court's attention, asserted that it did not appear in the record in that case that that prosecution had been started by the Department of Agriculture, there is not any other theory upon which a justification of the Supreme Court's opinion can be based than that the court considered that question as before it. Judge Lamar goes on in three or four pages to deal with that question, and a re-read-

ing of the opinion forces me to the conclusion that they were considering that question. And I will have to adhere to my impression as to what they had in mind when they decided that case; namely, that the Supreme Court, in that case, was considering whether or not in a criminal prosecution under the Pure Food Law, not initiated by the District Attorney or the Grand Jury, but initiated by the Department of Agriculture, had to proceed, had to disclose in the moving papers, and follow by proof on the hearing, the fact of the initiation at the instance by the Department of Agriculture—that the Supreme Court held that it was not necessary, that it need not be done—and that in a criminal case where the judgment of the trial court was in favor of the defendant, and where the Supreme Court's conclusion was a reversal of the trial court's judgment; that is to say, the entry of an order adverse to the rights of the defendant in the case proceeded against by indictment.

Now, in this Pure Food Law there are two things that it is sought to prevent: the misbranding of an article; the adulteration of an article, for consumption, the general purpose of the act being to give to—as I take it; I may be wrong about it—as I take it, to give to what is called the consumer in our economic discussion, the chance to know what he eats, what he buys and eats, providing it is the subject of interstate commerce. That is the general purpose of this law, and in the reading of the law and in its administration here, and as I take it, elsewhere, the judges have had that in mind as the object and purpose of the law, as distinguished from the giving to persons of expert knowledge information as to the quality or condition of a food or drug product, a subject of interstate commerce.

And, in order to accomplish that, and as one step toward that end—indeed, what may be termed the threshold—the act has a definition of the word “adulteration”—what is adulteration in the case of drugs, and what is adulteration in the case of food. Now, while it is true that the common acceptance of the term “adulteration” implies the admixture of something inferior with the article, the putting in of a foreign substance into the article, this statute goes farther than that, and is not content with the ordinary acceptance or the dictionary acceptance of the word “adulteration.” The act goes on: For the purposes of this act, an article shall be deemed to be adulterated: In the case of drugs; in the case of confectionery—coming to the case of food: “If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.” There they have in mind rather what the average man has in mind than what the dictionary has in mind. And under that section we had here the Pepper case, where the pepper put out by an eminent Chicago house, as far as reputation goes one of the best in the country, put up what it called pepper, which was shipped to the Montana State Penitentiary, and was there so handled or so used—how I don't recall—that a complaint was made, and there was an analysis made of it, and it was found to contain but 5% pepper. What was added I don't recall; but it was under that provision, this adulteration definition, adulteration clause, that that case proceeded. Of course, that is not this case before us.

“Secondly: If any substance has been substituted wholly or in part for the article.

“Third: If any valuable constituent of the article has been wholly or in part abstracted.”

Fifth, If it contain any added poisonous or other deleterious ingredients.

Something added to it—all these provisions are for dealing only with putting something in or extracting something from. That is, if it consist of putrid, decomposed animal or vegetable matter. That is not this case.

Coming now down to Clause 4: For the purposes of this act, an article shall be deemed adulterated, in the case of food, if it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

It is not a case of staining. We have a right to look for the dictionary definition of the terms used, here, to determine what Congress had in mind, because Congress must have had in mind, when it used these words, the dictionary definitions. And the dictionary definitions which Mr. Call has read clearly show that the oranges are not stained. Nor are they powdered. Nor are they coated. They are not mixed.

He read a definition of "colored." The same definition I looked up last night. And the definition of colored, dealing now with the legal propositions, not the merits of the case whether these oranges are inferior or not, one of the clauses of the definition of coloring fits this case—I forget which one it was. I got it out of one of my dictionaries last night—several of them. Let me have it, if you please. I can turn right to it. [Mr. Call hands Judge paper.]

The transitive verb "color" is defined by the Century Dictionary, 1911 edition, as follows: "To give or apply a color to; to change or alter the color or hue of."

Now, as I say, Congress had in mind these definitions—the same definition is in the edition of 1900—when Congress used the word "colored"; they had in mind that they were using the word "stained", and that in using the word "stained" they were using a term which dealt with the use of something that was put upon the thing, as the definition here shows. And so with "coated." The word "colored" is the only one of these words that lets in the proposition of changing the hue or color, changing the color or hue of an article without adding something to it, or coating it over, or submerging it in a liquid or some other article. This definition of color, to my mind, clearly justifies and clearly covers the case where the color, the appearance of an article as to hue, is changed by a process other than a natural evolution, without the addition of extraneous substances, chemicals or other matter; so that, if an article is subjected to a process, a heat process, by reason of such subjection undergoes a change, whether that change under such influence is a chemical change in the thing itself, caused or brought about, a reaction of some kind brought about by the application of heat, whatever it is, it is my judgment this statute fits it.

Now, is not that reasonable, is not that a reasonable construction, having in mind the object and purpose of this law?

Passing the question for the present, of whether or not these oranges are good or bad, whether somebody is deceived or nobody is deceived, having in mind for the present, solely the question of the meaning of the word, what Congress had in mind when it selected the word, after having picked "stained" for its purpose, "powdered" for its purpose, "coated" for its purpose, "mixed" for its purpose, with the meaning of each and all of those terms, putting in, in addition to all of them, the word "colored", having in mind the purpose and object that Congress had in mind was to forbid the doing of the thing that would deceive the person who got the thing at the store, this subject of interstate commerce, can there be any doubt that what they had in mind and what they meant to express was that, beyond coating, or staining, or powdering, or mixing, in some other way the thing was colored with the effect and purpose, or with the effect without the purpose, of deception as to its true condition, that the statute should have that meaning. I think it is quite clear that that is what they must have had in mind. To adopt the illustration used in the argument, if, instead of this thing being accomplished by the heating process, it had been accomplished by the use of some sort of paint or the extract of

carrot, or something of that sort, and it was used and the result of its use was to give to the orange this color, and in fact it was a perfectly unfit article of food, it would be plain that that would be a violation of the law. There would be no debate about that. How, then, can it be said, if the subjection of the thing to an artificial process, and it is an artificial process—say what you may, or argue as we will, it is a process that has been evolved with the development of the business for the accomplishment of some purpose in a way that nature did not effect its objects—if, by doing it, a color is given to the thing which belies the contents of the thing and thereby misleads and deceives the person, to prevent whose deception the law was passed, how can it be said, on what theory can it be urged that, merely because there has been no outside matter added to it, the law does not apply to it?

My conclusion on that is against the contention of the claimants. I think the law applies to that case. The dictionary definition, as I read it, requires the holding that it does apply to that case.

Now we come down to the proposition presented by the issue of fact, whether or not this coloring, there has been a coloring whereby damage or inferiority is concealed, having in mind now the court's conclusion as to who Congress had in mind in using the word "concealed." The evidence in this case, in spite of the apparent contradictions of witnesses, to my mind has presented a rather plain, easy question of fact. It appears that, in this orange district in California, the oranges are taken from the trees when the color of the—what did you call that—this outside of the orange?

Mr. CALL. We call it the rind.

The COURT. —the rind is green; that the orange is taken to the packing house and, for a period of, a variable period of from 24 to 48 or 50 hours, is subjected to a heat of 94 to 96 degrees; that as a part of the process pans of water are placed upon the stoves, by the use of which this temperature is obtained, the result being the creation of an ultra-humid condition; the effect of all of which the witnesses all agree is to bring out a yellow color upon the orange. There is also evidence, and I think it is rather in harmony, I think it is prudent to say that it is in harmony; that while this process of yellowing the rind goes on, there is a change to some extent of the interior of the orange—the difference is as to the extent. The claim by the claimants here is that it is a substantial change, quite a substantial change, resulting, as the claimants claim, and some of their evidence sustains, in an increase of sugar, an increase in the total quantity of juice, and a decrease in those elements that are undesirable in the orange as a commercial food product. The evidence of a number of witnesses has been introduced as to the condition of the orange after being subjected to this process.

The evidence of the witnesses in California who were called to a room in a hotel by the United States Government Inspector, and who made an examination, was rather unanimous to the effect that the fruit which they sampled was immature, unripe fruit. The evidence of witnesses produced by the United States here, who examined the oranges after arrival in Chicago, was generally to that effect. The evidence of the claimant's witnesses, by the spoken word of the claimant's witnesses, was that the fruit was, they all agreed it was edible fruit; that it was fit for the purposes of commerce; but the general trend of the evidence was to the effect, as it impressed my mind, that the fruit was unripe fruit.

Taking the contention of the claimant's witnesses, the evidence of the claimant's witnesses as to the effect of the sweating process, in so far as it had to do with changing the inside of the orange, the food part of the orange, if their

testimony on that point is true, one thing stands out perfectly plain, and that is that when they picked the orange it was a green orange because, before the sweating process took place, this change which they all testified did take place, namely, the further ripening of the interior of the orange, had not taken place, and manifestly at the time the orange was picked it could not have been fit for market. And a number of these samples have been cut here, and witnesses have been heard as to their judgment of these oranges here. Several witnesses were heard today, and a number of these witnesses of the claimant expressed their judgment as follows: The color is good, for the first of the season; Considering that it is the first of the season, it is fairly sweet. The evidence of all the witnesses is that, as the season progresses and the oranges hang on the trees longer, something takes place which changes the oranges and makes better fruit out of them.

My judgment of the evidence of these witnesses here and in California, the tests here and the tests there, is that these oranges are picked when it is perfectly clear they are not proper, they are not good food products; that this process to which they are subjected results in a color that does conceal from the consuming public the true condition of the orange, that is to say, that, while the expert may know what the light yellow means and what the dark yellow means, and the various hues between those two extremes may mean, the person Congress had in mind when it passed the law does not know what those several hues mean; therefore, that the process results in so coloring the orange that the inferiority of the orange is concealed; and *there will be an order accordingly.*

Mr. CALL. If the court please, may I ask for special findings on two or three propositions? Would that be improper?

The COURT. I think not.

Mr. CALL. I would like to have a finding——

The COURT. I think that, under the practice, you are required, at the beginning of the hearing, to do something in writing, I am not sure about it, if you are I will let you do it, and let the record show you did it at the beginning because I want this thing settled.

Mr. CALL. It is highly important, it should be settled.

The COURT. I want it settled. My judgment is that the rules require, the United States Supreme Court rules require that there be, in the event a matter is heard by the court, something at the beginning of the trial dealing with the question of the special finding.

Mr. DICKINSON. That stipulation has been filed.

Mr. CALL. The stipulation was filed.

The COURT. Then you have got it.

Mr. CALL. That don't cover it.

The COURT. Whether it is covered or not, I say to you, I will permit you to draw it, and I will require the Government to sign it, and I will enter it as at the beginning of this trial, because I want this question determined.

Mr. CALL. Now, the special findings—I only care for two or three.

The COURT. All right.

Mr. CALL. Would I be entitled to a special finding that this process is the acceleration of a natural process; that the evidence shows it is the acceleration of a natural process?

The COURT. You mean, unqualified, to that extent?

Mr. CALL. It can be qualified. Acceleration of natural process, with the addition of more than normal heat at that season, and more than normal moisture at that season.

The COURT. I have given you what I think I can, and you can express it in whatever words you desire that I will be willing—that I can sign. The natural process in the course of time would result in change of color. My conclusion is that you accelerate it with such speed that it gets beyond the inside of the orange; that is what I mean to hold.

Mr. CALL. The point I want to get at is, not by the addition of any foreign substance.

The COURT. Oh, certainly. Except as artificially created humidity might be a foreign substance—you mean chemical?

Mr. DITCHBURNE. I would like a finding that the process improves, without saying to what extent, improves the character of the fruit, as well as the color.

Another point I wanted to suggest is with regard to the disposition of the fruit. I understand that, under the law, that an order will be entered to sell the fruit. If there is any waiver we could make that would facilitate the sale of the fruit, we would like to make it.

The COURT. What is the provision?

Mr. DICKINSON. If the court please, this being an adulterated case, the practice has always been it should be destroyed.

The COURT. I am not going to destroy this fruit.

Mr. DICKINSON. I am not insisting on that in this case. The court has discretion, under the act, to either sell or destroy.

The COURT. I will find a discretion, whether I have got it or not.

Mr. DICKINSON. The act specifically gives you that discretion. We are not insisting on destruction. I think some other disposition should be made.

The COURT. If I destroy this fruit I ought to be indicted. I think a good deal of this is pretty bad stuff. That is the truth about it. I tasted a number of oranges here. Unfortunately for your side of this case, unfortunately, I used to be in the grocery business, 30 years ago.

Mr. CALL. I suspected you had been both a farmer and grocer.

The COURT. And I have been in a way keeping abreast of this orange business, and I know something about oranges. I do not mean I have had any unhappy experiences in getting bad fruit. I haven't, because I have exercised discretion in my purchases, but there is no question that a good deal of this fruit I have tasted here has been hit pretty hard by this process, it is a far removed fruit from what it would have been if left to hang upon the tree. I do not mean by that, to the sickening ripened condition. It is far removed from what the influences of nature would have done to it and with it.

What do you say you want done?

Mr. CALL. I don't know exactly. I would like an order to have it sold as soon as possible.

The COURT. I will let you gentlemen think this matter over tonight and come over here tomorrow.

Mr. CALL. I will leave it with Mr. Lamb, and I would like to have it sold just as soon as possible. Sell it at public auction, will you?

Mr. DICKINSON. We can agree to satisfactory terms.

The COURT. The thing to do is—this the 20th of December—the thing to do is to sell it inside of the next three or four days. You will get more out of it than if it goes over the 25th of December.

Mr. CALL. One day's notice is as good as three or four.

Mr. DICKINSON. We want some sort of provision or assurance that it will not be sold again in violation of the act. The Government would suggest that a provision be made whereby it will not be sold again in violation of the act.

The COURT. Come in tomorrow morning at 10 o'clock.

On December 24, 1912, the Lindsay Fruit Association, Lindsay, Cal.; the Porterville Citrus Association, Porterville, Cal.; the Stewart Fruit Co., Porterville, Cal.; and the Drake Citrus Association, Lindsay, Cal., claimants, having entered their appearances and filed their answers and amended answers to the libels and amended libels of the United States, formal decrees of condemnation and forfeiture were entered, the court finding, specially, among other things—

That all of the fruit contained in the cars of oranges libeled in this case came from Tulare County, Cal., and that oranges in said county mature and ripen at an earlier date than the oranges in southern California.

That in the various orange districts in Tulare County, as aforesaid, oranges mature and ripen on the trees before the skin or rind thereof becomes yellow or orange colored.

That the color of the oranges libeled in this case was produced by placing the oranges, green in color when picked from the trees, in closed rooms and then heating said rooms with oil stoves upon which were placed vessels of water, and keeping said oranges in said rooms for four or five days at a temperature ranging from 90 to 98 degrees, but at an approximately average temperature of about 94 to 95 degrees.

That the color of the oranges involved in this case was secured by the heat and moisture in the manner above stated and without the use of any chemical or any foreign matter.

That prior to the use of the coloring process described above, the fruit had reached a higher state of development in the process of ripening than appeared from the outside of the rind; that the rind was greener and indicated a more immature condition than was actually shown by the pulp or edible portion of the fruit.

That the color of the rind of said oranges, secured by said process, to the people in the trade and business of handling oranges either in producing or marketing them, corresponds with the color of the inside of the fruit and that color is fairly indicative of the inferior quality.

That by the use of the process described, the oranges involved in this case were not coated within the meaning of the law, and the count of the libel herein charging that such oranges were coated in violation of the law is not sustained.

That by the use of the process described, the oranges involved in this case were not stained within the meaning of the law and the count of the libel herein charging that such oranges were stained in violation of the law is not sustained.

That the libel in this case was not brought or filed upon the initiative of the United States Attorney in and for the district and division aforesaid, nor upon his investigation or information obtained by him; but was brought as a result of the Secretary of the Department of Agriculture certifying to the said United States Attorney the facts resulting from the investigation and examinations of the Bureau of Chemistry, or under its supervision or direction, with a copy of the results thereof, and the claimant of the above-entitled oranges, who was the shipper thereof and from whom the samples were taken from which the examinations and investigations were made, was not given any notice of the investigation by the Department of Agriculture or the Bureau of Chemistry, nor any opportunity for a hearing before said Department.

The court further found, as a conclusion of law from the foregoing special findings of fact, that the product was adulterated in violation

of the Food and Drugs Act in the following particular, that is to say, that when and where said product was so shipped as aforesaid it was colored in a manner whereby damage and inferiority were concealed.

It was further ordered, among other things, that the product should be sold by the United States marshal after removing from each orange the wrapper bearing the trade-mark "Sunkist Oranges and Lemons", and it was further ordered that the marshal should cause a quantity of wrappers to be prepared bearing the statement "Colored by sweating", and should place one of said wrappers around each of the oranges, and that said marshal should cause to be placed on the outside of each box of the product a printed label bearing the words "Colored by sweating", and that the proceeds of the sale, after deducting the legal costs and charges, should be paid into the Treasury of the United States.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 14, 1913.*

2384



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2385.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF FROZEN EGG PRODUCT.

On November 26, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 crates, each containing two 30-pound cans of frozen egg product, remaining unsold in the original unbroken packages and in possession of the Buffalo Cold Storage Co., Buffalo, N. Y., alleging that the product had been shipped on or about November 5, 1912, by Lepman & Heggie, Chicago, Ill., and transported from the State of Illinois into the State of New York, consigned to Frank M. Howe and afterwards placed by said consignee in the plant of said Buffalo Cold Storage Co. The product was labeled "2-32 F. M. Howe, Buffalo, N. Y."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 26, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture by default was entered, and it was further ordered that the product should be destroyed by the United States marshal and that the costs of the proceedings, amounting to \$50.75, should be taxed against Frank M. Howe, the consignee, and that the expense of destruction be also included in the costs to be recovered from said consignee.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2386.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF JAMAICA GINGER.

At a stated term of the District Court of the United States for the Northern District of California, begun at San Francisco, Cal., on the first Monday in March, 1912, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bertin & Lepori (Inc.), San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on August 12, 1911, from the State of California into the State of Arizona, of a quantity of Jamaica ginger which was adulterated and misbranded. The product was labeled: (On demijohn) "Gal. Jamaica Ginger, Bertin & Lepori, San Francisco. * * *".

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity (15.6° C./15.6° C.), 0.91358; alcohol (per cent by volume), 60.00; solids (grams per 100 cc.), 0.66; ginger (Seeker test), positive; capicum, absent; resins, other than ginger resins, present. Adulteration of the product was charged in the indictment for the reason that a substance, to wit, a dilute extract of ginger, had been mixed and packed with the so-called Jamaica ginger in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further in that a substance, to wit, a dilute extract of ginger, had been substituted for the genuine article, to wit, Jamaica ginger, and further, because said product was colored in a manner whereby inferiority was concealed. Misbranding was charged for the reason that the labels on the product and the words thereon were false and misleading in that the product was offered for sale under the name of Jamaica ginger, whereas, in truth and in fact, it was not genuine Jamaica ginger but was a dilute extract of ginger. Misbranding was

alleged for the further reason that said labels and words thereon were false and misleading and that they would deceive and mislead the purchaser thereof into the belief that the product was genuine Jamaica ginger, whereas, in truth and in fact, it was not so, but was a dilute extract of ginger.

On December 28, 1912, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$250.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2387.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WHEAT BRAN.

On November 26, 1912, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks, each containing approximately 100 pounds of so-called pure wheat bran, remaining unsold in the original unbroken packages, and in the possession of Smith Bros., Augusta, Ga., alleging that the product had been shipped on or about November 9, 1912, by the Dunlop Milling Co., Clarksville, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 lbs. pure wheat bran, manufactured by the Dunlop Milling Co. Clarksville, Tenn. guaranteed analysis protein 14.75, fat 4.00, crude fibre 9.50, carbo hydrates 57.50, ingredients—made from pure wheat."

Adulteration of the product was alleged in the libel for the reason that it was mixed with wheat screenings, such not being bran as the product purported to contain, but being refuse products of the mill, and therefore the feed was by said screenings lowered, reduced, and injuriously affected in its quality and strength, and for the further reason that said screenings were substituted in part for bran. Misbranding was alleged for the reason that the sacks containing the product bore no statement that it was composed in part of screenings, but on the contrary indicated that it was pure wheat bran and there was nothing in the branding and labeling to indicate said screenings.

On December 28, 1912, the said Dunlop Milling Co., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$400 in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 3, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2388.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED CIDER VINEGAR.

On September 9, 1912, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 barrels and 10 half barrels of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages and in possession of C. T. Cheek & Sons, Nashville, Tenn., alleging that the product had been shipped by R. M. Hughes & Co., Louisville, Ky., and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "C. T. Cheek and Sons Distributors Bourbon Brand Pure Apple Cider Vinegar Nashville Tenn. Water Only Used In Bringing To Uniform Strength."

Adulteration of the product was alleged in the libel for the reason that said product was not pure apple cider vinegar but consisted wholly or in part of a dilute solution of acetic acid or distilled vinegar which had been mixed with and substituted for the article, thus reducing its quality and strength. Misbranding was alleged for the reason that the product was labeled and branded so as to mislead purchasers, being labeled "Pure Apple Cider Vinegar," when in fact it consisted wholly or in part of a dilute solution of acetic acid or distilled vinegar.

On October 23, 1912, the said R. M. Hughes & Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and restored to said claimant upon payment of all the costs and expenses incurred in the proceeding and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2389.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF COCOANUT.

On October 2, 1912, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of cocoanut, remaining unsold in the original unbroken packages and in possession of Wadhams & Co., Portland, Oreg., alleging that the product had been shipped on or about September 4, 1912, by the Pacific Cocoanut Co., San Francisco, Cal., and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Fancy Thread Cocoanut W. & Co. Portland, Pioneer Brand Cocoanut Manufactured by Pacific Cocoanut Co. San Francisco Calif., U. S. A."

Adulteration of the product was alleged in the libel for the reason that glucose had been mixed therewith and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that glucose had been substituted in part for the cocoanut.

On October 9, 1912, upon motion of the United States Attorney, it was ordered by the court that the product should be released and delivered to said Pacific Cocoanut Co., claimant, upon the filing of bond in the sum of \$200 in conformity with section 10 of the Act and the payment of costs of the proceeding.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2390.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DRIPS.

On October 9, 1912, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of Saratoga Drips, 70 cases of White Diamond Drips, and 85 cases of Butter Scotch Drips, remaining unsold in original unbroken packages and in possession of the Mason-Ehrman Co., Portland, Oreg., alleging that the product had been shipped on or before October 5, 1911, by the Long Syrup Refining Co., San Francisco, Cal., and transported from the State of California into the State of Oregon and charging misbranding in violation of the Food and Drugs Act. The Saratoga Drips were labeled: (On cases) "Twelve (12) One (1) Gal., (or as the case might be Twenty (20) One-half ($\frac{1}{2}$) Gal., or Twenty-four (24) Quart) cans, Long Syrup Refining Co., Saratoga Drips, San Francisco, Calif., U. S. A., Longs. This Side Up. Guaranteed by Long Syrup Refining Co., San Francisco, Calif., U. S. A., Serial No. 20599." (On cans) "Long's Saratoga Drips, Manufactured By Long Syrup Refining Co., San Francisco, Cal. The Contents of This Package Are Composed of Corn And Cane Syrup, Maple Flavor Guaranteed By Long Syrup Refining Co. Under The Food and Drugs Act, June 30, '06, Serial No. 20599."

Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive purchasers and to convey the impression that the products were obtained by draining crystallized sugar. Misbranding was alleged for the further reason that the following portion of the label, "The contents of this package are composed of corn and cane syrup, maple flavor," was printed in inconspicuous, small sized type so as to deceive and mislead the purchaser. Misbranding of the 10 cases of quart cans of Saratoga Drips was alleged for the reason that the labels thereon were intended to deceive the purchasers and to convey the impression that the product was obtained by draining crystallized sugar, and further, in that the following portion of the label, "The contents of this

package are composed of corn and cane syrup, maple flavor", was printed in inconspicuous and small type so as to deceive and mislead the purchaser into the belief that the product was obtained by draining crystallized sugar, when, in truth and in fact, said product was composed of 65.2 per cent of glucose. Misbranding was alleged for the further reason that the said quart cans did not contain one quart of Saratoga Drips but contained a less amount, to wit, 93.65 per cent. Misbranding of the 90 cases of half-gallon cans of the product was alleged for the reason that said cans did not contain one-half gallon of the product but a less amount, to wit, 94.14 per cent of one-half gallon. Misbranding of the 50 cases of one gallon cans of the product was further alleged for the reason that said cans did not contain one gallon of the product but a less amount, to wit, 97.3 per cent of one gallon.

The White Diamond Drips was labeled: (On cases) "Twenty (20) One-half ($\frac{1}{2}$) Gallon (or as the case might be Twelve (12) One (1) Gal.) Cans Long Syrup Refining Co., White Diamond Drips San Francisco, Cal., U. S. A., Long's This Side Up Guaranteed By Long Syrup Refining Co., San Francisco, Cal., U. S. A. Serial No. 20,599." (On cans): "Long's White Diamond Drips. Manufactured and Guaranteed By Long Syrup Refining Co., San Francisco, Cal., U. S. A. Under The Food and Drugs Act June 30th, '06. Serial No. 20599. The Contents of this Package Are Composed of Corn and Cane Syrup."

Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive the purchaser and to convey the impression that the product was obtained by draining crystallized sugar, and further, in that the words, "Composed of corn and cane syrup," were printed at the bottom of the label far away from the main portion thereof and in inconspicuous type so as to deceive the purchaser and to convey the impression that the product was obtained by draining crystallized sugar, when in truth and in fact it was composed of, to wit, 88.6 per cent of glucose. Misbranding of the one-half gallon cans of the product was alleged for the reason that each of said cans did not contain one-half gallon of the product but a less amount, to wit, 94.06 per cent of one-half gallon, and the one gallon cans of the product were alleged to have been misbranded in that each of said cans did not contain one gallon of the product but a less amount, to wit, 98.73 per cent of one gallon.

The Butter Scotch Drips were labeled: (On cases) "Twenty (20) One-half ($\frac{1}{2}$) Gal. (or as the case might be, Twelve (12) one (1) Gal.) Cans Long Syrup Refining Co., Butter Scotch Drips San Francisco Calif., U. S. A., Long's This Side Up. Guaranteed By Long Syrup Refining Co., San Francisco, Calif., U. S. A., Serial No. 20599."

(On cans): "Long's Butter Scotch Drips Long Syrup Refining Co., San Francisco, Calif., U. S. A. The contents of This Package Are Composed of Corn and Refined Cane Syrup. Guaranteed By Long Syrup Refining Co., Under The Food and Drugs Act, June 30, 1906, Serial No. 20599."

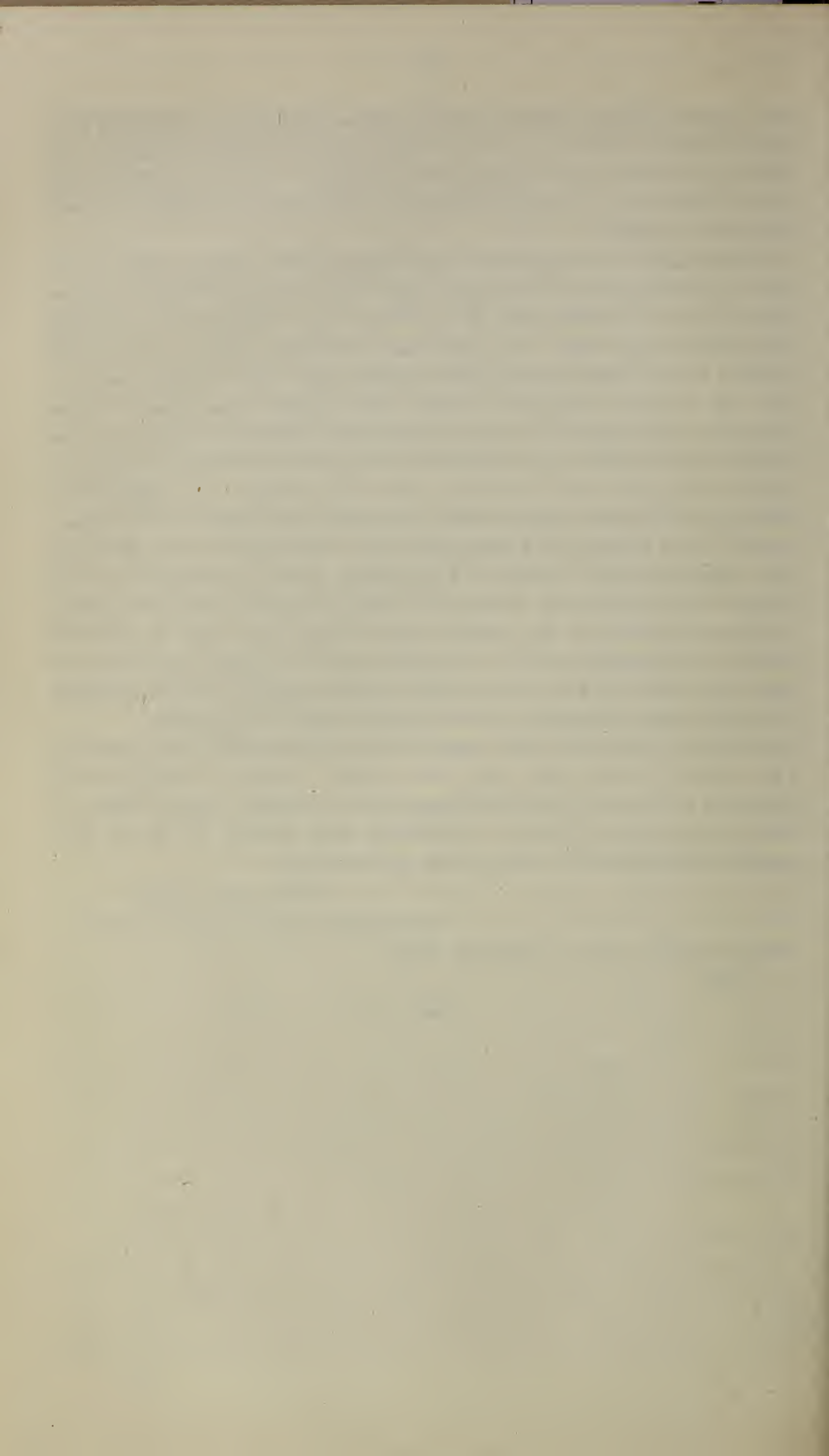
Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive and mislead the purchaser into the belief that the product was obtained by draining crystallized sugar and the gallon and one-half gallon cans of the product were further misbranded in that the labels thereon, particularly the words "Composed of corn and refined cane syrup", were printed at the bottom of the label far away from the main portion thereof and in small and inconspicuous type so as to deceive the purchaser and convey the impression that the product was obtained by draining crystallized sugar, when, in truth and in fact, it was composed of and contained a large amount of glucose, to wit, 57.6 per cent. Misbranding of the one-half gallon cans was alleged for the further reason that each of said cans did not contain one-half gallon of the product but a less amount, to wit, 94.6 per cent of one-half gallon; and the gallon cans of the product were misbranded for the reason that each of said cans did not contain one gallon of the product but a less amount thereof, to wit, 97.33 per cent of one gallon.

On October 23, 1912, upon motion of the United States Attorney, it was ordered by the court that the product should be released and delivered to the said Mason-Ehrman Co., claimant, upon filing of bond in the sum of \$500, in conformity with section 10 of the Act, and the payment of the costs of the proceedings.

WILLIS L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2391.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SALT.

On November 18, 1912, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 110 barrels of so-called fine salt remaining unsold in the original unbroken packages and in possession of the Louisville & Nashville Railroad Co., at Clarksville, Tenn., consigned to Hurst-Boillin Co., alleging that the product had been shipped on or about November 7, 1912, by the Liverpool Salt & Coal Co., Hartford City, W. Va., from the State of West Virginia into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Liverpool Salt Co., Hartford City, W. Va. Com. Fine 7 Bu. (Picture of deer head)."

Misbranding of the product was alleged in the libel for the reason that the numerals and letters placed or branded on each of the barrels of the product to indicate the true or net contents therein in bushels or measure, were false and misleading, each of said barrels containing a smaller quantity of bushels or pounds than the numerals and letters thereon indicated, and the contents of the barrels as to quantity or bushels were not correctly stated by the brands on the same nor by the invoice in any instance but the contents of each barrel, the quantity of salt therein, was less by several pounds or part of a bushel than indicated by the invoice and by the numerals and letters on said barrels, the product being thereby misbranded in violation of the Food and Drugs Act so as to mislead purchasers and others.

On December 20, 1912, the said Liverpool Salt & Coal Co., claimant, having filed its answer consenting to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and restored to said claimant upon payment of all costs and expenses incurred in the proceeding and the execution and delivery of a bond in the sum of \$300 in conformity with section 10 of the Act.

WILLIS L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2391



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2392.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SO-CALLED CHAMPAGNE; MISBRANDING OF CHERRIES IN MARASCHINO; MISBRANDING OF ROYAL ANNE MARASCHINO CHERRIES.

At a stated term of the District Court of the United States for the Northern District of California, begun and holden at San Francisco, Cal., on the first Monday of November, 1911, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the E. G. Lyons & Raas Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On April 1, 1910, from the State of California into the State of Washington of a quantity of so-called champagne which was misbranded. The product was labeled: (On neck) "Champagne Extra Dry. E. Dubreuil & Fils." (Principal label) "Extra Dry Champagne Type. E. Dubreuil & Fils, Guaranteed under registered Serial No. 16701."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Contents of this bottle is a white wine of domestic origin, artificially carbonated. It has no similarity nor is it a type of champagne, such as imported from the Champagne District of France. Misbranding of the product was charged in the indictment for the reason that each of the bottles had three labels thereon regarding the product, one label being made of colored tin foil which covered the mouth and neck of the bottle on which were stamped the words "Extra Dry." Around the neck of the bottle and at the bottom of said tin foil label was a second label containing the words "Extra Dry Champagne Type E. Dubreuil & Fils" and the said impression of a crown the said words "E. Dubreuil & Fils" and the said impression of a crown being contained in a circular seal, and upon the main label on the bottle was an impression of a crown and also the words "Extra Dry Champagne Type type E. Dubreuil & Fils, guaranteed under registered serial No. 16701"; that said label was printed in gold; that the first word "type" was larger than the second word "type"

on said label and was printed in black ink; that said labels and the impression and words thereon were false and misleading in that they gave and would give to the purchaser thereof the impression that the product was a foreign product, to wit, champagne, and said labels were calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and by and through said labels and the impression and words thereon, the said so-called champagne purported to be a foreign product, whereas, in truth and in fact, it was not so, or champagne at all, but was a domestic product, to wit, a white wine artificially carbonated and made in California.

(2) On September 16, 1910, from the State of California into the Territory of Arizona of a quantity of so called Cherries in Maraschino which were misbranded. The product was labeled "Cherries in Maraschino Flavor Syrup. Superior Quality. E. Dubreuil & Fils. Preserved with one tenth of one per cent Sodium Benzoate. Artificially colored. Serial No. 16701."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed alcohol by volume, none. The contents of the bottle were shown to be Queen Anne cherries in a weak sugar syrup flavored with bitter almonds. Misbranding of the product was charged in the indictment for the reason that the bottles had two labels thereon regarding the product, one being around the neck of the bottle, containing the words "Cherries in Maraschino Flavor Syrup" and having an impression of three cherries at each end of the label, and also the impression of a crown, the words "Cherries" and "Maraschino" being in large type and the words "flavor" and "syrup" being in small and inconspicuous type, and the main label containing the impression of a foreign coat of arms and the words "Cherries in Maraschino flavor syrup, Superior Quality. E. Dubreuil & Fils. Preserved with one tenth of one per cent sodium benzoate. Artificially colored, Serial No. 16701" and the words "Cherries" and "Maraschino" were in large type, also the words "Superior Quality" and "E. Dubreuil & Fils", and at the end of the label were the impressions of three large red cherries, and said labels and the impression and words thereon were false and misleading in that they gave to the purchaser thereof the impression that the product was cherries preserved in maraschino, whereas, in truth and in fact, said cherries were preserved in a sugar syrup flavored with bitter almonds and containing no appreciable amount of genuine maraschino and said syrup contained in the bottles for the purpose of preserving the cherries was not flavored with maraschino and did not have a maraschino flavor. This case was reported for prosecution upon the charge of adulteration also.

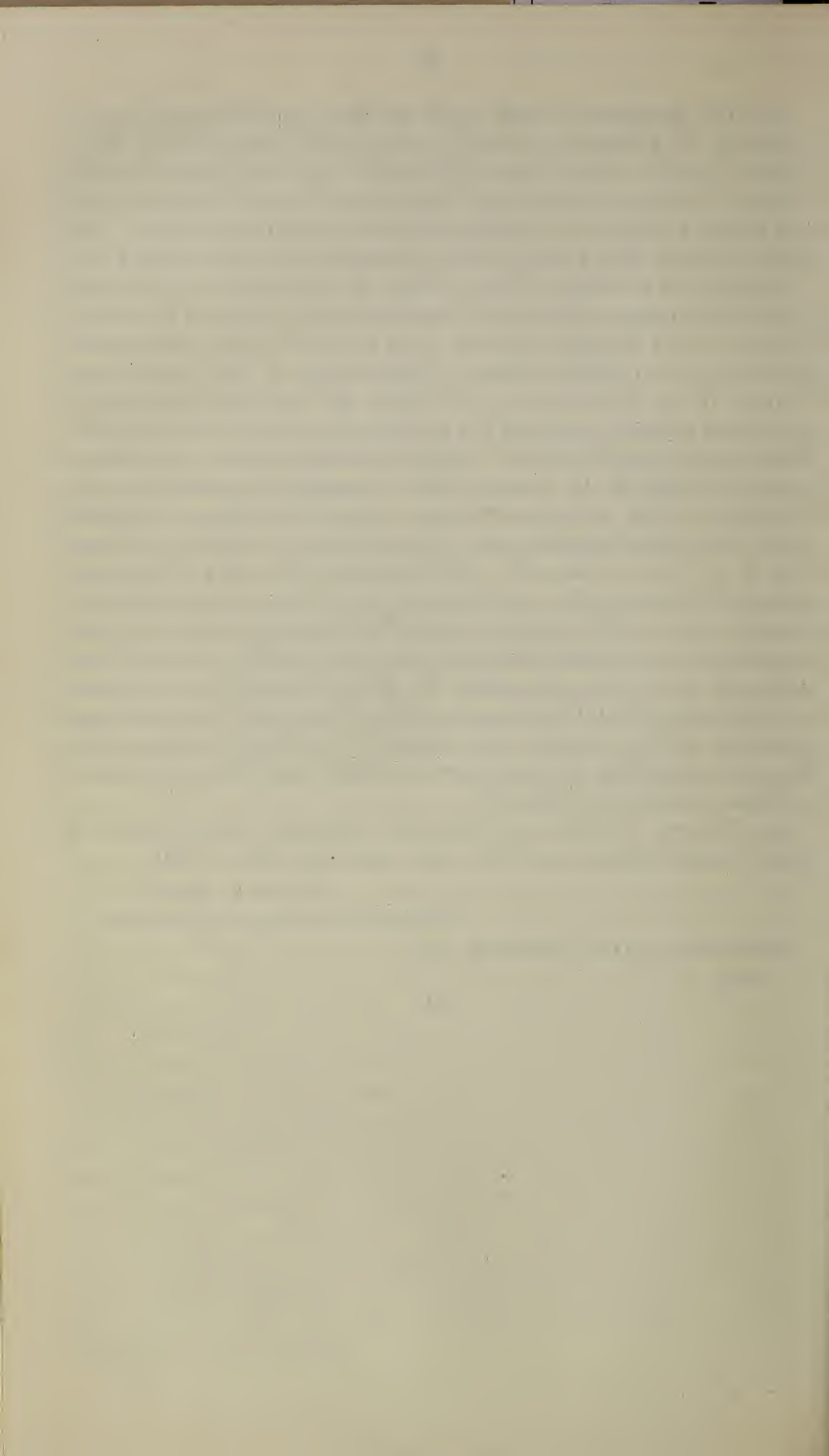
(3) On November 4, 1910, from the State of California into the Territory of Arizona of a quantity of so called "Royal Anne Maraschino Cherries," which were misbranded. The product was labeled: "Lyon's Perfection Royal Anne Maraschino Cherries, Preserved with one tenth of one per cent. sodium benzoate, Artificially colored. The E. G. Lyons & Raas Company, San Francisco, Cal., New York City."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 0.30 per cent; benzoate of soda, 0.10 per cent; color, Erythrosin; flavor of oil of bitter almond. Misbranding of the product was charged in the indictment for the reason that each of the bottles had two labels thereon regarding the product, one around the neck of the bottle containing the words: "Lyon's Perfection Royal Anne Maraschino Cherries, E. G. Lyons & Raas Company, manufacturers and distillers. When once opened keep on ice at all times. Preserved with one tenth of one per cent. sodium benzoate, artificially colored. The E. G. Lyons & Raas Co. San Francisco, Cal., New York City." and said labels and the words thereon were false and misleading in that they gave to the purchaser thereof the impression that the product was cherries packed and preserved in maraschino or packed and preserved in a syrup possessing the flavor of maraschino, whereas, in truth and in fact, the syrup in which the product was packed and preserved did not contain any maraschino and did not possess the flavor of maraschino but was merely a sugar syrup flavored with oil of bitter almonds and other oils.

On January 4, 1913, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$400.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2393.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On November 7, 1912, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Luigi Sclafani, Domenico Sclafani, Guilio Sclafani, and Guiseppe Sclafani, copartners, doing business under the firm name and style Sclafani Bros., Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on December 12, 1911, from the State of New York into the State of Connecticut of a quantity of olive oil which was adulterated and misbranded. The product was labeled: "Extra Fine Olive Oil—Lucca, Italy. Olio d' Oliva Torricelli Brand—Marca Depositata." Monogram "T. B."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it consisted chiefly of cottonseed oil. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of a large amount of cottonseed oil and a small amount of olive oil, had been substituted wholly or in part for pure olive oil. Misbranding of the product was alleged for the reason that the statements "Extra Fine Olive Oil—Lucca, Italy" and "Olio d' Oliva Torricelli Brand" were false and misleading, in that they represented the product to be pure olive oil from Lucca, Italy, whereas, in truth and in fact, it was a mixture of cottonseed oil and olive oil manufactured in the United States of America. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser into the belief that it was imported olive oil from Lucca, Italy, whereas, in truth and in fact, it was a mixture of 60 per cent cottonseed oil

and 40 per cent olive oil. Misbranding was alleged for the further reason that from the label thereon the product purported to be a foreign product, to wit, olive oil from Lucca, Italy, whereas, in truth and in fact, it was a mixture of cottonseed oil and olive oil made in the United States of America.

On January 2, 1913, the defendants entered a plea of guilty to the information and each of said defendants was fined \$10.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2393



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2394.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF COLD TABLETS.

On January 4, 1913, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 4, 1911, from the State of Illinois into the State of Indiana of a quantity of cold tablets which were misbranded. The product was labeled: (On bottle) "1000 Tablets Cold, No. 2. Morph. Sulph. $1/24$ grain, Tr. Aconite Rt. $1/2$ min. Tartar Emetic $1/60$ grain Po. Ipecac $1/8$ grain. Irwin, Neisler & Co. Manufacturing Pharmacists, Decatur, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Morphine sulphate, 0.0206 grain per tablet. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, to wit, "Morph. Sulph. $1/24$ grain," was false and misleading as it conveyed the impression that the product contained one twenty-fourth of a grain of morphine sulphate per tablet, whereas, in truth and in fact, each tablet of the product contained less than one twenty-fourth of a grain of morphine sulphate, to wit, 0.0206 grain, said product being deficient in morphine sulphate.

On January 4, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

90127°—No. 2394—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2395.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DEODORIZED TINCTURE OF OPIUM; ADULTERATION AND MISBRANDING OF ACETANILID TABLETS; ADULTERATION AND MISBRANDING OF CAFFEIN ALKALOID TABLETS; ADULTERATION AND MISBRANDING OF PHENACETIN TABLETS; ADULTERATION AND MISBRANDING OF SALOL TABLETS; MISBRANDING OF STRYCHNIN SULPHATE TABLETS.

On December 11, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in ten counts against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 4, 1911, from the State of Illinois into the State of Indiana.

(1) Of a quantity of deodorized tincture of opium which was adulterated. The product was labeled: "Deodorized Tinct. Opium, U. S. Irwin, Neisler & Co., Manufacturing Pharmacists, Decatur, Ill. Standard of Strength:—That adopted by the United States Pharmacopœia—one gram of drug to each 10 cubic centimeters. Deodorized Tinct. Opium U. S. This tincture is prepared by the official formula which renders it a most agreeable preparation of opium. It is thereby made free from narcotine and the noxious odor, which is the most offensive and least useful constituent of opium. It is carefully assayed and conforms to the U. S. standard. Dose, 6 to 15 min.; 0.6 to 1 Cc. Irwin, Neisler & Co., Manufacturing Pharmacists, Decatur, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Morphin. 0.710 gram per 100 cc.; alcohol, 18.1 per cent by volume. Adulteration of

the product was alleged in the information for the reason that it was sold and shipped under and by a name recognized in the United States Pharmacopœia, to wit, deodorized tincture of opium, the standard of strength of said product at that time, as specified in said Pharmacopœia, being 100 cubic centimeters of deodorized tincture of opium should yield not less than 1.2 grams nor more than 1.25 grams of crystallized morphin, whereas the product differed from the standard of strength of deodorized tincture of opium as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that it contained crystallized morphin per 100 cubic centimeters, to wit, 0.710 gram, being deficient in morphin and not having the standard of strength, quality, and purity plainly stated thereon or indicated in any way. A charge of misbranding was also made in the report transmitting this case to the Attorney General.

(2) Of a quantity of acetanilid tablets which were adulterated and misbranded. The product was labeled: "500 Tablets No. 6 Acetanilid 3 gr. Dose, 1 every half hour or hour until 3 or 4 are taken for fever with pain. Guaranteed under F. and D. Act, June 30, '06. Irwin, Neisler & Co. Manufacturing Pharmacists, Decatur, Illinois."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average amount of acetanilid per tablet, 2.46 grains; average shortage, 18 per cent. Adulteration of the product was alleged in the information for the reason that the standard of strength of the tablets was below the professed standard under which they were sold and shipped, to wit, 3 grains of acetanilid, the real strength of the tablet being 2.46 grains of acetanilid, being therefore deficient in acetanilid. Misbranding of the product was alleged for the reason that it was labeled as set forth above and the statement thereon concerning the ingredients contained therein was false and misleading, because it created the impression that each of the tablets contained 3 grains of acetanilid, whereas, in truth and in fact, the tablets contained on an average only 2.46 grains of acetanilid.

(3) Of a quantity of caffen alkaloid tablets which were adulterated and misbranded. The product was labeled: "500 Tablets No. 216 Caffeine Alkaloid 1-2 gr. One tablet 3 times a day as a heart stimulant in weak and irregular action from valvular disease. Irwin, Neisler & Co. Mfg. Pharmacists, Decatur, Illinois."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Caffen per tablet, 0.22 grain. Adulteration of the product was alleged in the information for the reason that its standard of strength was below the professed standard under which sold and shipped, to wit, one-half grain

of caffein alkaloid, the real strength of the tablets being, to wit, 0.22 grain of caffein alkaloid, and said product was deficient in caffein alkaloid. Misbranding was alleged for the reason that the product was labeled as set forth above and the statement thereon concerning the ingredients contained therein was false and misleading, because it created the impression that each of the tablets contained one-half grain of caffein alkaloid, whereas, in truth and in fact, the tablets contained on an average only 0.22 grain of caffein alkaloid.

(4) Of a quantity of phenacetin tablets which were adulterated and misbranded. The product was labeled: "500 Tab. Phenacetin 3 Grs. Irwin, Neisler & Co. Pharmaceutical Chemists, Decatur, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average amount of phenacetin per tablet, 2.35 grains; shortage, 21.6 per cent. Adulteration of the product was alleged in the information for the reason that its standard of strength was below the professed standard under which sold and shipped, to wit, phenacetin 3 grains, the real strength of the product being, to wit, 2.35 grains of phenacetin, and it was deficient in phenacetin. Misbranding was alleged for the reason that the product was labeled as set forth above and the statement on the label concerning the ingredients contained therein was false and misleading, because it created the impression that each of the tablets contained 3 grains of phenacetin, whereas, in truth and in fact, the tablets contained on an average only 2.35 grains of phenacetin.

(5) Of a quantity of salol tablets which were adulterated and misbranded. The product was labeled: "500 Tablets No. 811 Salol $2\frac{1}{2}$ grains. Dose, one every two hours as an intestinal antiseptic, and one every hour for acute rheumatism. Irwin, Neisler & Co., manufacturing Pharmacists, Decatur, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average amount of salol per tablet, 1.94 grains; average shortage, 22.4 per cent. Adulteration of the product was alleged in the information for the reason that its standard of strength was below the professed standard under which sold and shipped, to wit, salol $2\frac{1}{2}$ grains, the real strength of the tablets being, to wit, 1.94 grains of salol, being therefore deficient in salol. Misbranding was alleged for the reason that the product was labeled as set forth above and the statement on the label concerning the ingredients contained in the product was false and misleading, because it created the impression that each of the tablets contained $2\frac{1}{2}$ grains of salol, whereas, in truth and in fact, they contained on an average only 1.94 grains of salol.

(6) Of a quantity of strychnin sulphate tablets which were misbranded. The product was labeled: "1000 Tablets No. 867 Strych-

nin Sulphate 1-40 Gr. Guaranteed under F. & D. Act, June 30, '06. No. 3227. Irwin, Neisler & Co. Manufacturing Pharmacists, Decatur, Illinois."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Strychnin sulphate per tablet, one twenty-eighth grain. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above and the statement on the label concerning the ingredients contained in the product was false and misleading, because it created the impression that each of the tablets contained one-fortieth grain of strychnin sulphate, whereas, in truth and in fact, each of the tablets contained on an average one twenty-eighth grain of strychnin sulphate, which was an excess of strychnin sulphate.

On January 4, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2395



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2396.

SUPPLEMENT TO NOTICE OF JUDGMENT NO. 1768.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF FLOUR.

On March 1, 1912, the Supreme Court of the District of Columbia, holding a district court, rendered a decision sustaining the libel that had been filed by the United States against 400 sacks of adulterated and misbranded flour that had been shipped from the States of Indiana and Missouri into the District of Columbia and was in possession of William M. Galt & Co., Washington, D. C., and on March 12 entered a decree condemning and forfeiting the flour to the United States, by the terms of which decree it was further ordered that the flour should be released to William M. Galt & Co., claimants, upon the payment of costs of the proceedings and the execution of a bond in the sum of \$5,000 in conformity with section 10 of the Act. From the decision of the Supreme Court an appeal was perfected by claimants to the Court of Appeals of the District of Columbia and during the month of January, 1913, the decree of the Supreme Court of the said District was affirmed by the Court of Appeals, as more fully appears from the following decision which was rendered by the court (Robb, Associate Justice):

This is an appeal from a decree in the Supreme Court of the District condemning 447 sacks of "Princess Flour" and 72 sacks of "Fancy Melba Patent" flour, under a libel filed by the United States through its attorney in and for the District of Columbia. The libel sets forth the possession by the appellants within this District of "Three hundred and fifty sacks, more or less, of flour labelled 'Princess Flour from Blanton Milling Co., Indianapolis, Ind.'; and further, fifty sacks, more or less, of flour labelled '140 lbs. Fancy Melba's Patent—Trade Mark Registered—From Choice Hard Wheat, Majestic Flour Manufacturing Co., U. S. A., Distributors' "

As originally filed the libel alleged that said flour was both adulterated and misbranded, in violation of the Pure Food Act of June 30, 1906, (34 Stat. 768).

This averment was superseded by another which set forth that said flour is "adulterated within the meaning and intent and in violation of the said Act of Congress approved June thirtieth, A. D. 1906, and that the said flour consists in part of a filthy, decomposed and putrid animal and vegetable substance." Appropriate answer was filed and, a jury being waived, testimony was taken in open court, the parties agreeing that the court might "find the facts and declare the law applicable thereto and render judgment accordingly." The court filed a written opinion which "was treated and considered by both court and counsel as the court's finding of facts as aforesaid." Thereupon the case was appealed to this court, the parties, according to the stipulation filed herein, "taking and considering the said opinion as and for such finding of facts."

The evidence which was before the trial court and upon which the decree is based is not in this record, and hence not before us. Searching the opinion of the trial court, we learn that the Government on two occasions, permission of the court first having been obtained, took two sacks of flour "one from each of said *two lots* described, for the purpose of examination and analysis." Appellants were granted the same privilege, but did not exercise it. We now quote from the opinion: "The result of the examination of the flour sacks taken by the government as samples, was that one of them contained worms, insects, and beetles, aggregating 3525, and the other three, worms, insects, and beetles, aggregating 1207, 1448, and 1959, respectively.

"Experiments were made by the Department of Chemistry, showing that the said flour contained a large number of bacteria that were supposed to be injurious to the human body; and, in addition, to the worms, insects and beetles, that had been sifted out of the flour, the evidence showed that there remained in the same, cases or husks made by the worms, as well as the excreta from them, all of which, it was claimed, rendered the said flour filthy within the meaning of said Act.

"There were a great many weevils discovered, and they were defined as the grain weevil, or wingless insects, which require a period of some six weeks, in warm weather, for full growth and development, during which time they pass through four distinct stages of existence, first in the form of the egg, then the form of the larva, then in the pupa form, and finally reaching the adult form; and that after maturing, these insects might live for several months, and possibly for a year. In cold weather a longer time was necessary for their growth.

"That the beetle known as 'flour beetle,' comes from a larva, or worm, about half an inch long, and it breaks in flour and grain. Several of these beetles, in the larva state, or in the adult state, appeared to be in said samples.

"The evidence was that the flour was injuriously affected by the presence of such worms, insects, and beetles, by reason of their feeding on the gluten, and thereby destroying the strength and value of the flour, and rendering it unfit for making bread, or other domestic use, even if the foreign, filthy matter could be bolted or sifted out of it."

The court further found that it is not clear whether weevils may not come into flour while in storage, without any fault of the owner. Speaking of the sacks of flour here involved, the court said: "It appears that the flour sacks taken were from different locations in the several piles of sacks, and it is argued on behalf of the government, that all the sacks seized were in a position to become affected by the dirt and filth from a stable nearby." The court finally found "as matter of fact from the evidence that the said several sacks of flour are in a filthy condition, under the provisions of said Act, by reason of the presence of the said worms, insects, and beetles, in such quantities as shown, and from the condition which they have produced in the said flour."

The so-called Pure Food Act is entitled "An Act for Preventing the Manufacture, Sale, or Transportation of Adulterated or Misbranded or Poisonous or Deleterious Foods, Drugs, Medicines, and Liquors," etc. Section 7 defines adulteration of foods and drugs, respectively, as follows: In the case of drugs (1) if a drug differs from the standard strength, quality or purity, unless the actual standard be plainly stated upon the box or other container; (2) if its strength or purity fall below the professed standard or quality under which it is sold. In the case of confectionery, which the Act defines as a food, if it contains any mineral substance or poison, color, or flavor, or other ingredients deleterious or detrimental to health, etc. In the case of food generally (1) if any substance has been mixed or packed with it so as to lower or injuriously affect its quality or strength; (2) if any substance has been substituted wholly or in part for the article; (3) if any valuable constituent of the article has been wholly or in part abstracted; (4) if it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed; (5) if it contain any added poisonous ingredient which may render such article injurious to health; (6) *if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance*, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Section 8 of the Act covers misbranding. It is provided therein that no label shall bear any statement, design or device "which shall be false or misleading in any particular."

A most casual reading of this Pure Food Act discloses that the purpose of Congress in its enactment was the better protection of the people of this country from adulterated or deleterious foods, drugs, medicines and liquors. It is the duty of the court, in interpreting such statutes, to keep constantly in mind the legislative intent, the evils sought to be overcome, and, if possible, to give substantial force and effect to that intent. *United States vs. Corbett*, 215 U. S. 233; *United States vs. Cella*, 37 App. D. C., 423. "It is the settled doctrine of this court," said Mr. Chief Justice Shepard in the *District of Columbia vs. Gardiner*, present term, "that a liberal and reasonable construction shall be given these statutes in view of their remedial objects and purposes so as to effect the same."

The first contention of appellants in the present case is that the Act makes a distinction between adulteration which consists in adding to an article that which is not properly a part of it, and adulteration existing when some part of the article itself is not what it ought to be; in other words, "when some part of the article, whether animal or vegetable, *is* filthy, decomposed, or putrid—not that the article *contains* a substance of that character foreign to its proper ingredients or constituents." In view of the finding of the court that the presence of worms, insects and beetles in the condemned flour have produced a filthy condition thereof, it is unnecessary to determine whether appellant's contention is well-founded. Aside from the fact that the evidence from which this finding was made is not before us, it is matter of common knowledge that the presence of such a large number of worms, insects and beetles in such a substance as flour would render the flour filthy in the general acceptance of that term. This flour was not to be fed to swine, but was to be sold for human consumption. Even conceding that the worms, insects and beetles could be separated therefrom, the flour would still be contaminated by reason of its contact with them, and it would still contain more or less husks and excreta from the worms—that is, it would still be filthy within the meaning of the Act.

Appellants further contend that there was no evidence of the condition of the flour actually condemned by the decree. Of course, it is not contended that it was necessary for the Government to examine each of the large number of sacks of flour seized. The real contention, therefore, is that the samples examined were not representative of those remaining. 35 Cyc. 701 defines a sample as "that which is taken out of a large quantity as fairly representative of the whole." Whether a sample is fairly representative of the whole is a preliminary question to be decided by the trial court, and the decision then reached will not be revised in an appellate court unless the facts producing it are before that court—and then only when error clearly appears. *Brown vs. Leach*, 107 Mass. 367. Of course, the situation may be such as to warrant the trial court in submitting this question to the jury. *Lake vs. Clark*, 97 Mass., 347. In *Origet vs. Hedden*, 155 U. S. 228, the point was made that the appraisers had examined certain cases only, out of two importations of a large number of cases of lace. The court said: "If there was a difference between the goods in the different cases of either importation, it is singular that the invoices are not set forth in the record. The inference is a reasonable one that they showed the goods in each importation to be of the same character and value, so that the examination of one case would be sufficient for all. There is nothing to indicate the contrary." The cases relied upon by appellants involved facts materially different from the facts in the present case, and in no way qualify the general rule previously stated.

Upon this branch of the case, the trial court found: "Considering the *testimony as presented*, and the absence of testimony on behalf of the claimants, the court is forced to the conclusion that if other samples had been taken and analysed, their examination would have shown similar conditions to those in the four sacks actually examined." The court further pertinently observed that, if the claimants could have shown to the contrary, it might be assumed they would have introduced evidence. It further appears from said opinion that the samples taken were "from each of said *two lots* described", and it further inferentially appears that all the sacks seized "were in a position to become affected by the dirt and filth from a stable nearby." In view of what appears in the court's opinion as to the conditions surrounding the storage of this flour, the conclusion reached by the court from the testimony presented by the Government—which testimony is not before us—and the failure of the claimants to present any evidence upon the point, we are clearly of the opinion that the samples examined must now be presumed to have been fairly representative of the two lots of flour. The decree will therefore be affirmed and with costs.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 14, 1913.*

2396



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2397.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PRESERVES.

On January 26, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Louis Syrup & Preserving Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 12, 1910, from the State of Missouri into the State of Kentucky, of a quantity of preserved fruit which was misbranded. The product was labeled: "Premium Brand Average net weight 36 oz. Guaranteed by us to comply with the Food and Drugs Act, June 30, 1906 Serial Number 8563 Preserved Fruits Strawberry-Apple Contains added Phosphate. St. Louis Syrup and Preserving Co., St. Louis, Mo."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following weights: No. 1, 35½ ounces; shortage, 1.3 per cent. No. 2, 34¾ ounces; shortage, 3.1 per cent. No. 3, 33¾ ounces; shortage, 5.9 per cent. Average weight three packages, 34¾ ounces; average shortage, 3.4 per cent. Misbranding of the product was alleged in the information for the reason that the label thereon regarding said product, to wit, "Average net weight 36 oz.", was false and misleading, in that said statement would deceive and mislead the purchaser into the belief that the product contained in each of the packages was 36 ounces in weight, whereas, in truth and in fact, the product contained in each of the packages did not weigh 36 ounces net, but weighed materially less than 36 ounces net, and the product was further misbranded in that it was shipped for sale in package form and the contents of each of the packages was stated in terms of weight as follows, to wit, "Average net weight 36 oz.", whereas the weight of the contents of each of the packages was not plainly and correctly stated on the outside thereof

for the reason that each of the packages contained a materially less amount of the product than 36 ounces net weight and the average shortage of three of the packages was 3.1 per cent. It will be noted that the average shortage as shown by the examination by the Bureau of Chemistry was 3.4 per cent.

On January 10, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2398.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PRESERVES.

On January 26, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Louis Syrup & Preserving Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 7, 1910, from the State of Missouri into the State of Wisconsin, of a quantity of preserved fruit which was misbranded. The product was labeled: "Premium Brand. Average net weight 36 oz. * * * Preserved Fruits Blackberry-Apple Contains Added Phosphate St. Louis Syrup & Preserving Co., St. Louis, Mo."

Examination of three samples of the product made by the Bureau of Chemistry of this Department showed the following weights: No. 1, 34½ ounces; shortage, 4.2 per cent. No. 2, 35¼ ounces; shortage, 2.1 per cent. No. 3, 34¾ ounces; shortage, 3.1 per cent. Average weight of three packages, 34⅞ ounces; average shortage, 3.1 per cent. Misbranding of the product was alleged in the information for the reason that the label thereon regarding the article, to wit, "Average net weight 36 oz.," was false and misleading, in that said statement would deceive and mislead the purchaser into the belief that the product contained in each of the packages was 36 ounces in weight, whereas, in truth and in fact, it did not weigh 36 ounces net but materially less than 36 ounces net, and the product was further misbranded in that it was shipped in package form and the contents of each package was stated in terms of weight as follows: "Average net weight 36 oz.," whereas the weight of the contents of each of the packages was not plainly and correctly stated on the outside thereof for the reason that each of the packages contained a materially less

amount of the product than 36 ounces net weight and the average shortage of the three packages was 3.1 per cent.

On January 10, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2398



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2399.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On April 30, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Haarmann Vinegar & Pickle Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on August 22, 1911, from the State of Nebraska into the State of Iowa, of a quantity of vinegar which was adulterated and misbranded. The product was labeled: "Fowler Company Pure Cider Vinegar, Waterloo, Iowa."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 0.47; glycerol (grams per 100 cc), 0.13; solids (grams per 100 cc), 1.95; nonsugar solids (grams per 100 cc), 1.45; reducing sugar as invert (before inversion after evaporation) (grams per 100 cc), 0.50; sugar in solids, per cent, 25.6; polarization direct temperature (22° C.), -1.9° V.; ash (grams per 100 cc), 0.27; ash, insoluble in water (grams per 100 cc), 0.10; alkalinity soluble ash (cc N/10 acid per 100 cc), 10.2; total phosphoric acid (mg per 100 cc), 39.9; acid, as acetic (grams per 100 cc), 4.02; volatile acid, as acetic (grams per 100 cc), 4.00; fixed acid, as malic (grams per 100 cc), 0.02; lead precipitate, heavy; color, degrees, brewer's scale, 0.5 in., 5; pentosans (grams per 100 cc), 0.08; ratio ash to nonsugar solids, 1:5.4. (All measurements made at 20° C.) Adulteration of the product was alleged in the information for the reason that a substance, to wit, a dilute solution of acetic acid or distilled vinegar, containing added ash material, and a product high in reducing sugars had been substituted wholly or in part for the genuine article, to wit, pure cider vinegar. Misbranding was alleged for the reason that the statement "pure cider vinegar" borne on the label was false and misleading because it would mislead and deceive the purchaser into the belief

that the product was a pure cider vinegar, conforming to the commercial standard of such article, whereas, in truth and in fact, it was a dilute solution of acetic acid or distilled vinegar containing added ash material and a product high in reducing sugars, and was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "pure cider vinegar," thereby purporting that it was a pure cider vinegar conforming to the commercial standard of such article, whereas, in truth and in fact, it was a dilute solution of acetic acid or distilled vinegar, containing added ash material and a product high in reducing sugars.

On December 6, 1912, the defendant company entered a plea of guilty to the information and on January 6, 1913, the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2400.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CANNED SALMON.

On September 11, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing four dozen cans of salmon, remaining unsold and in the original unbroken packages in the possession of McAlister & Mann, H. Wedekind & Co., the Bollinger & Baggage Co., and C. S. Tabb & Son, all of Louisville, Ky., alleging that the product had been shipped on March 8, 1912, by the Pacific American Fisheries Co., South Bellingham, Wash., and transported from the State of Washington into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Four doz. Tall Cotton-wood Brand Salmon. W. L. Murdoch Co. Distributors, Birmingham, Ala. D. P." (On cans) "Cottonwood Brand Salmon, W. L. Murdoch Brokerage Co. Distributors, Birmingham, Ala. Directions: On no account keep salmon in tin after opening. This fish is cooked ready for use. If desired hot place can in boiling water 20 minutes before using."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal substance. Misbranding was alleged for the reason that the product was reprocessed and was not sound or wholesome or of good quality, and the brands thereon were false and misleading, and the product was so branded as to deceive and mislead the purchaser into the belief that it was sound, wholesome, and of good quality.

On January 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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Aylesbury Mercantile Co.....	2177	Hoops, Herman W.....	2355
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United States Canning Co.....	2177	Hawley & Hoops.....	2356
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Hoops, William F.....	2358	Wilbur, H. O., & Sons.....	2317
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Greenfield's, E., Sons & Co.....	2172	Hawley & Hoops.....	2358
Candy, Coon faces:		Hoops, Herman L.....	2358
Ziegler, George, Co.....	2100	Hoops, Herman W.....	2358
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Sauerston & Brown.....	2055	Hoops, Herman W.....	2359, 2360, 2362
Candy, Lukoumia:		Hoops, William F.....	2359, 2360, 2362
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Marcoupulos, A.....	2076	Hawley & Hoops.....	2361
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Rigney & Co.....	2338	Hawley & Hoops.....	2358
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Candy, Phoenix brand maplettes:		Ghirardelli Co.....	2238
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Candy, Pineapple slices:		Thompson, Arthur J., Co.....	2126
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Dalidet, Geo., & Co.....	2328	Condensed milk. (See Milk, Condensed.)	
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McNeil & Higgins Co.....	2108	Farrell & Co.....	2165
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Parker-Browne Co.....	2381	Ohio Hay & Grain Co.....	2168
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Serv-us Pure Food Co.....	2320	Ohio Hay & Grain Co.....	2168
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Armas Phillipachi & Co.....	2157	Lemon oil. (See Oil, Lemon.)	
Ohio Bkg. Co.....	2087	Lemon peel extract. (See Extract, Lemon	
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Blanton Milling Co.....	2396	Ferris-Noeth-Stern Co. (Inc.).....	2195
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Shawnee Milling Co.....	2240	Maple sugar syrup, Wedding breakfast cane	
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Daggett, F. L., Co.....	2071	Maples, Phoenix brand Delmore (candy):	
Gelatin:		Reinhart & Newton Co.....	2211
Jahn, W. K., Co.....	2295	Maplettes, Phoenix brand (candy):	
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Ghirardelli Co.....	2238	schino.)	
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Farrell & Co.....	2165	seed meal.)	
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Delaware & Atlantic Fishing Co.....	2079	Ahlers, Herman.....	2284
Maull, Louis, Cheese & Fish Co.....	2063	Albers, Theodore C.....	2155
Pickert, L., Fish Co.....	2164	Appley, Fred J.....	2218
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Sauerston & Brown.....	2055	Bennett, Earl.....	2005
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Ghirardelli Co.....	2238	Boratz, Jake.....	2002
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Brault & Des Jardins.....	2082	Frink, John.....	2021
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Brault & Des Jardins.....	2082	Gebke, Ben.....	2156
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Brault & Des Jardins.....	2082	Gineritaman, Michael.....	2015

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Grafeman Dairy Co.	2292		Bernstein, Morris	2181	
Grawe, Bernard	2154		Boos, —	2181	
Greenberg, Nathan	2017		Campbell & West	2181	
Grefe, Ernest	2276		Conybear, N. G., & Co.	2181	
Grey, James B.	2016		Meadowbrook Condensed Milk Co.	2142	
Haar, Mrs. Catherine	2287		Richardson, Beebe Co.	2064	
Haar, Theodore	2259		Mincemeat:		
Hempen, Anton	2273		Marvin, W. H., Co.	2069	
Himmelstein, F.	2217		Molasses:		
Huelsman, August	2289		Gordon Syrup Co.	2122	
Huer, H. W.	2044		Native purity pure maple sirup:		
Johnson, R. F.	2039		Johnson, F. N., Co.	2331, 2333	
Kenyon, C. H.	2028		Nutmeg extract. (See Extract, Nutmeg.)		
Kierle, Frank	2045		Nutmegs:		
Kloekner, John	2288		Farrington & Whitney	2329	
Knolhoff, Henry	2271		Mason, E. A.	2329	
Knolhoff, William	2260		Oats, No. 2 mixed:		
Konaszewski, Katherine	2029		City Hay & Grain Co.	2171	
Krebs, Caspar	2267		Oats and corn:		
Lamb, William S.	2034		Ohio Hay & Grain Co.	2168	
Lampe, Frederick	2153		Oil, Bitter almond:		
Langenhorst, Margaret	2286		Dodge & Olcott Co.	2377	
Larkham, George E.	2037		Oil, Lemon:		
Levine, Jacob	2036		Haberman, Eugene	2337	
Litchnik, Harry	2035		Manhattan Importing Co.	2337	
Luebbers, Ben.	2291		Oil, Olive. (See Olive oil.)		
Maine, Chester S.	2030		Olive oil:		
Mane, Clem	2283			2102	
Mane, John	2270		De Feo, Mike	2048	
Michael, John	2290		Derosa, Luigi	2046	
Minsk, H.	2032		Fanara, Robert	2160	
Minsk, J.	2033		Gengaro & Muselli	2159	
Murray, Patrick	2031		Geremia Bros.	2101	
Orrell, Albert	2281		Guzzetto Bros.	2081	
Ortman, Frank	2263		Muselli, Cesare	2159	
Partelo, F. Mason	2013		Pompeian Co.	2121	
Rattner, Lemuel	2012		Sclafani Bros.	2393	
Reader, Frederick G.	2038		Orange extract. (See Extract, Orange.)		
Reinkensmeyer, Christian	2152		Orange extract, Blood. (See Extract, Orange, Blood.)		
Richter, B. J.	2280		Orange jelly. (See Jelly, Orange.)		
Richter, William G.	2279		Oranges:		
Roekenhau, Henry	2264		Central California Citrus Exchange	2384	
Rueter, William	2274		Drake Citrus Association	2384	
St. Louis Dairy Co.	2051		Lindsay Fruit Association	2384	
Schindel, M. S.	2297		Porterville Citrus Association	2384	
Schroeder, August	2275		Stewart Fruit Co.	2384	
Schulte, John, sr.	2262		Tulare County Citrus Exchange	2384	
Schweirjohn, Anton	2151		Oysters:		
Sekinsky, Isaac	2010		Beaufort Little Neck Clam Co.	2316	
Selzer, L.	2009		Bryant, John	2249	
Smith, Horace H.	2345		Frazer, Alexander, Co.	2382	
Soloway, Harry	2011		Hayden, E. H.	2113	
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Sprehe, Gerhart	2269		Lowden, George W., Co.	2095	
Sprehe, Mrs. Henry	2285		Martin, O.	2327	
Thompson, J. E.	2007		Potter, E. H.	2316	
Timmerman, Herman	2268		Potter, G. D.	2316	
Trame, August	2272		Twilley, William	2111	
Tyler, Charles E.	2092		Pancake brand sirup:		
Wilkel, Michael A.	2068		Bliss Syrup Refining Co.	2085	
Wilson, William I.	2041		Pancake drip:		
Winstein, Samuel	2008		Bliss Syrup Refining Co.	2318	
Zimmerman, Carl	2277				
Zitron, Alter	2219				

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Paprika:		Sardines:	
Farrington & Whitney	2319	Cohn-Hume Fisheries Co.	2251, 2325
Frank Tea & Spice Co.	2204	Schumacher special horse feed:	
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Peas:		Quaker Oats Co.	2077
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Thorndike & Hix	2050	Hawley & Hoops	2359, 2360, 2362
Wabash Canning Co.	2175	Hoops, Herman L.	2359, 2360, 2362
Pearless cigars (candy):		Hoops, Herman W.	2359, 2360, 2362
Ziegler, George, Co.	2099	Hoops, William F.	2359, 2360, 2362
Pepper:		Sirup, Cane, Wild forest brand:	
Arbuckle Bros.	2078	Johnson, F. N., Co.	2332, 2333
Frank, Charles.	2098 (suppl. to 835)	Sirup, Corn:	
Frank, Emil.	2098 (suppl. to 835)	Scully, D. B., Co.	2383
Frank, Jacob.	2098 (suppl. to 835)	Sirup, Corn and cane:	
Jewett Bros. & Jewett.	2078	Long Syrup Refining Co.	2390
Peppermint extract. (<i>See</i> Extract, Pepper-		Mason-Ehrman Co.	2390
mint.)		Sirup, Dixie sweet:	
Phoenix brand Delmore maples (candy):		Dixie Syrup Co. (Inc.)	2203
Reinhart & Newton Co.	2211	Sirup, Drips:	
Phoenix brand maplettes (candy):		Long Syrup Refining Co.	2390
Reinhart & Newton Co.	2208	Mason-Ehrman Co.	2390
Phoenix confections:		Sirup, Golden drip, cane flavor:	
Reinhart & Newton Co.	2192	Farrell & Co.	2165
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Pyles, John T. D.	2324	Bettman-Johnson Co.	2201
Pineapple slices (candy):		Sirup, Maple, Dixie sweet:	
Reinhart & Newton Co.	2192	Dixie Syrup Co. (Inc.)	2203
Pipes, Chocolate (candy):		Sirup, Maple, Native purity pure:	
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Hoops, Herman L.	2358	Sirup, Maple, Wild forest brand:	
Hoops, Herman W.	2358	Johnson, F. N., Co.	2332, 2333
Hoops, William F.	2358	Sirup, Pancake brand:	
Pistachio extract. (<i>See</i> Extract, Pistachio.)		Bliss Syrup Refining Co.	2085
Plums:		Sirup, Pancake drip:	
Oceana Canning Co.	2178	Bliss Syrup Refining Co.	2318
Polar bear brand sirup:		Sirup, Polar bear brand:	
Bliss Syrup Refining Co.	2085	Bliss Syrup Refining Co.	2085
Preserves, Blackberry-apple:		Sirup, Sorghum:	
St. Louis Syrup & Preserving Co.	2398	Scully, D. B., Syrup Co.	2080
Preserves, Strawberry-apple:		Sirup, Squirrel brand table:	
St. Louis Syrup & Preserving Co.	2397	Hubinger, J. C., Bros. Co.	2231
Prunes:		Roth, Adam, Grocery Co.	2231
Atlas Preserving Co.	2150	Sirup, Wedding breakfast cane and maple	
Kickabush Grocery Co.	2294	sugar:	
Merchants & Miners Transportation Co.	2144	Farrell & Co.	2205
Pulp, Tomato. (<i>See</i> Tomato pulp.)		Sirup, Wild forest brand:	
Raspberries:		Johnson, F. N., Co.	2330
Sanfacon, Florent	2223	Sorghum sirup. (<i>See</i> Sirup, Sorghum.)	
Raspberry jelly. (<i>See</i> Jelly, Raspberry.)		Spinach:	
Rice:		Farren, J. S., & Co.	2206
Allen Bros. Co.	2379	Squirrel brand table syrup:	
Talmage, John S., Co. (Ltd.)	2097	Hubinger, J. C., Bros. Co.	2231
Royal feed:		Roth, Adam, Grocery Co.	2231
Southern Fiber Co.	2114	Stock feed. (<i>See</i> Feeds.)	
Saccharine, Malt:		Strawberries, Preserved:	
Ferris-Noeth-Stern Co. (Inc.)	2195	Malcolm, J. B., & Co.	2163
Salad dressing, Cupid brand:		Morey Mercantile Co.	2163
Dodson-Braun Manufacturing Co.	2307	Strawberry-apple preserves:	
National Pickle & Canning Co.	2307	St. Louis Syrup & Preserving Co.	2397
Salad dressing and meat sauce:		Strawberry jelly. (<i>See</i> Jelly, Strawberry.)	
Durkee, E. R., & Co.	2104	Succotash:	
French, James M.	2104	Augusta Canning Co.	2212
Salmon:		Sugar corn:	
Pacific American Fisheries Co.	2400	Atlantic Canning Co.	2134
Salt:		Sunshine Suffolk biscuit (arrowroot):	
Liverpool Salt & Coal Co.	2391	Loose-Wiles Biscuit Co.	2053

Teddy bears, Chocolate (candy):		N. J. No.	Vanilla extract. (<i>See</i> Extract, Vanilla.)	N. J. No.
Hawley & Hoops.....		2361	Vanilla jelly. (<i>See</i> Jelly, Vanilla.)	
Hoops, Herman L.....		2361	Vanilla and tonka extract. (<i>See</i> Extract,	
Hoops, Herman W.....		2361	Vanilla and tonka.)	
Hoops, William F.....		2361	Vinegar:	
Tomato ketchup:			Central City Pickle Co.....	
Atlas Preserving Co. (Inc.).....		2196	Dawson Bros. Mfg. Co.....	
Ayars, B. S. & Sons Co.....		2187	Haarmann Vinegar & Pickle Co.....	
Flaccus, E. C., Co.....		2049	Henning, William, Co.....	
Grant, H. E.....		2257	Hughes, R. M., & Co.....	
Indiana Tomato Seed Co.....		2257	Place, M. H. & M. S.....	
McMechen Preserving Co.....		2167	Schloss Crockery Co.....	
National Pickle & Canning Co.....		2311, 2312	Vinegar compound, Apple:	
Schwabacher Bros. & Co.....		2148	Sharp-Elliott Mfg. Co.....	
Van Lill, S. J., Co.....		2176, 2351	Violet extract. (<i>See</i> Extract, Violet.)	
Tomato pulp:			Wedding breakfast cane & maple sugar syrup:	
Cooke Shanawolf Co.....		2214	Farrell & Co.....	
Crothersville Canning Co.....		2233	Wheat:	
Gypsum Canning Co.....		2119	Lull, Charles R.....	
Knightstown Conserve Co.....		2120, 2124	Metzler, Claudius E.....	
Martin & Lehr.....		2322	Mueller, E. B., & Co.....	
Seymour Canning Co.....		2233	Wheat bran:	
Tomato sauce:			Dunlop Milling Co.....	
Da Prato, Angelo.....		2127	Whistles, Chocolate (candy):	
Tomatoes:			Hawley & Hoops.....	
Assau, W. F., Canning Co. (Inc.).....		2197	Hoops, Herman L.....	
Berkman, Aaron.....		2245	Hoops, Herman W.....	
Farren, J. S., & Co. (Inc.).....		2174	Hoops, William F.....	
Roberts Bros.....		2067, 2202	White fish:	
South Lebanon Preserving Co.....		2300	Maull, Louis, Cheese & Fish Co.....	
Van Lill, S. J., Co.....		2245	Wild cherry jelly. (<i>See</i> Jelly, Cherry, Wild.)	
Tonka and vanilla extract. (<i>See</i> Extract,			Wild forest brand syrup:	
Tonka and vanilla.)			Johnson, F. N., Co.....	

BEVERAGES.

Apple brandy. (<i>See</i> Brandy, Apple.)		N. J. No.	Champagne. (<i>See</i> Wine, Champagne.)		N. J. No.
Apricot cordial. (<i>See</i> Cordial, Apricot.)			Cherry, Wild, cordial. (<i>See</i> Cordial, Cherry,		
Atlas carbonated soda (beer):			Wild.)		
Bachman, H. E.....		2182, 2183, 2184	Cherry, Wild, phosphate:		
Wheeling Specialty Co.....		2182, 2183, 2184	Spencer, L. G.....		2115
Bavarian malt extract:			Thompson Phosphate Co.....		2115
Heim, Ferd, Brewing Co.....		2258	Cherry, Wild, stock:		
Imperial Brewing Co.....		2258	Crown Cordial & Extract Co.....		2304
Kansas City Breweries Co.....		2258	Chicory:		
Beer:			Muller, E. B., & Co.....		2058
Monumental Brewing Co.....		2073	Chicory and coffee compound:		
(Beer) Atlas carbonated soda:			Potter-Sloan-O'Donohue Co.....		2180
Bachman, H. E.....		2182, 2183, 2184	Chocolate, Soluble:		
Wheeling Specialty Co.....		2182, 2183, 2184	Hance Bros. & White.....		2348
Beer, Dove brand:			Claret wine. (<i>See</i> Wine, Claret.)		
Gerst, William, Brewing Co.....		2227	Cocoa:		
Beer, Pilsener style:			Hance Bros. & White.....		2348
Obermeyer & Liebmann.....		2229	Cocoa, Phillips's digestible:		
Blackberry cordial. (<i>See</i> Cordial, Black-			Phillips, Charles H., Chemical Co.....		2186
berry.)			Coffee:		
Blackberry flavored juice:			Aragon Coffee Co.....		2179
Mihalovitch Co.....		2056	Arndt, Christian.....		2128
Brandy, Apple:			Great Atlantic & Pacific Tea Co.....		2210
Old Spring Distilling Co.....		2253	Harrison, John W.....		2179
Brandy, Peach:			Hinz, F. W., & Son.....		2250
Moyle Bros.....		2066	Ouerbacher Coffee Co.....		2123
Burgundy wine. (<i>See</i> Wine, Burgundy.)			Steinwender, Stoffregan & Co.....		2123
Carbonated soda, Atlas (beer):			Stoffregan, Charles.....		2123
Bachman, H. E.....		2182, 2183, 2184	Coffee and chicory compound:		
Wheeling Specialty Co.....		2182, 2183, 2184	Potter-Sloan-O'Donohue Co.....		2180

Cordial, Apricot:		N. J. No.	Malt tonic:		N. J. No.
Bastheim, A.	2089		Coburg, John L.	2235	
Fisher, F. V.	2069		Mineral water, Hiccure:		
Gottstein, M. & K.	2089		Hiccure Mineral Water Co.	2380	
Cordial, Blackberry:			Panabaker, P. F.	2380	
Bastheim, A.	2137		Orange, Honey, gin and:		
Bettman-Johnson Co.	2221		Furst Bros.	2239	
Bluthenthal & Bickart (Inc.)	2193		Peach brandy. (See Brandy, Peach.)		
Fisher, F. V.	2137		Phillips' digestible cocoa:		
Gottstein, M. & K.	2137		Phillips, Charles H., Chemical Co.	2186	
Hollander, Frances.	2060		Phosphate, Cherry, Wild:		
Sweet Valley Wine Co.	2347		Spencer, L. G.	2115	
Cordial, Cherry, Wild:			Thompson Phosphate Co.	2115	
Sweet Valley Wine Co.	2347		Pilsener style beer:		
Cordial, Fruits and flowers:			Obermeyer & Liebmann.	2229	
Weideman Co.	2094		Red dragon seltzer:		
Crazy mineral water:			Asquith, George D.	2246	
Crazy Wells Water Co.	2224		Seltzer, Red dragon:		
Dove brand beer:			Asquith, George D.	2246	
Gerst, William, Brewing Co.	2227		Shaco-Kaupy:		
Flowers, Fruits and, cordial. (See Cordial, Fruits and flowers.)			Angell, S. H., & Co.	2139	
Fruits and flowers cordial. (See Cordial, Fruits and flowers.)			Craven, McDonough.	2139	
Gin:			Sirup, Tamarind:		
Corning & Co.	2373		Finora & Co.	2052	
Shufeldt, Henry H., & Co.	2374		Soda, Atlas carbonated (beer):		
Gin, and orange, Honey:			Bachman, H. E.	2182, 2183, 2184	
Furst Bros.	2239		Wheeling Specialty Co.	2182, 2183, 2184	
Grape juice:			Tamarind sirup. (See Sirup, Tamarind.)		
Clarke, W. E., Co.	2054		Tonic, Malt:		
Fredonia Wine Co.	2054		Coburg, John L.	2235	
Wilbur, Henry T.	2054		Vodka:		
Wilbur, Katherine C.	2054		Bosak, Michael.	2256	
Hiccure mineral water:			Fulton Extract & Cordial Works.	2166	
Hiccure Mineral Water Co.	2380		Katz, L. B.	2225, 2349	
Panabaker, P. F.	2380		Russian Monopole Co.	2225,	
Honey, gin, and orange:			2226, 2228, 2230, 2232, 2234, 2252, 2254, 2256, 2349		
Furst Bros.	2239		Shulman, S.	2252, 2254	
Koko:			Water, Crazy mineral:		
Hance Bros. & White.	2348		Crazy Water Wells Co.	2224	
Kummel:			Water, La Margarita en Loeches:		
Bettman-Johnson Co.	2309		Schierer, Henry.	2173	
Mihalovitch Co.	2138		Wild cherry cordial. (See Cordial, Cherry, Wild.)		
La Margarita en Loeches water:			Wild cherry stock:		
Schierer, Henry.	2173		Crown Cordial & Extract Co.	2304	
Malt extract, Bavarian:			Wine, Burgundy:		
Heim, Ferd, Brewing Co.	2258		Schlesinger & Bender (Inc.)	2096	
Imperial Brewing Co.	2258		Wine, Champagne:		
Kansas City Breweries Co.	2258		Dubreuil, E., & Fils.	2392	
Malt nutritive:			Wine, Claret:		
Anheuser-Busch Brewing Assn.	2310		French-American Wine Co.	2088	

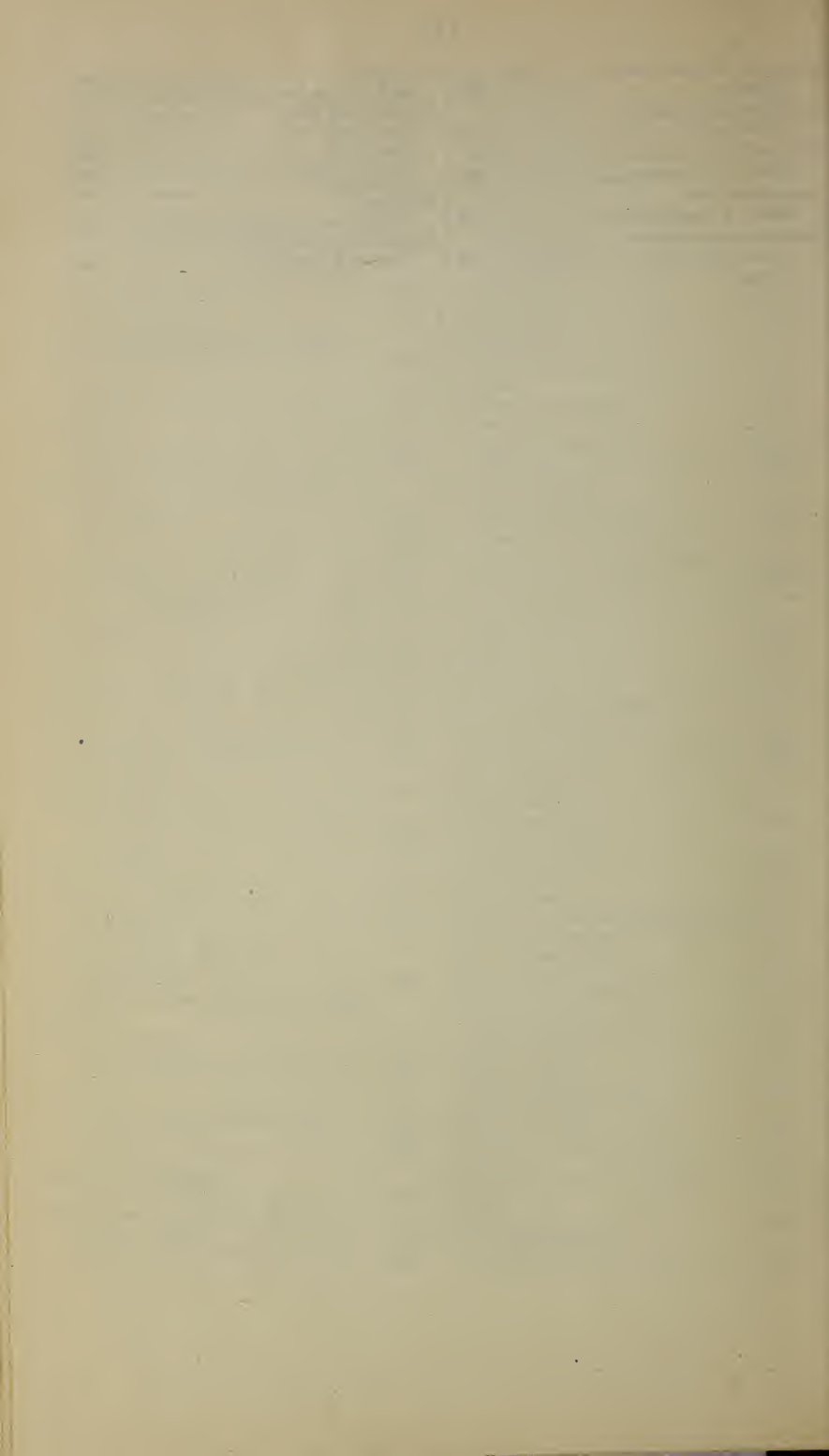
DRUGS.

Acetanilid tablets:		N. J. No.	Beef, wine, and coca:		N. J. No.
Case, Ensley J.	2188		Case, Ensley J.	2213	
Case, George W.	2188		Case, G. W.	2213	
Flint, Eaton, & Co.	2365		Sutliff & Case Co.	2213	
Irwin, Neisler & Co.	2395		Weinkauff, J.	2213	
Sutliff & Case Co.	2188		Belladonna leaves:		
Weinkauff, Jacob.	2188		Murray & Nickell Mfg. Co.	2091	
Acetanilid and caffeine compound tablets:			Bennett's, Dr., wonder oil:		
Flint, Eaton, & Co.	2366		Bennett Medicine Co.	2106	
Acetanilid and sodium tablets:			Benzaldehyde oil:		
Upjohn Co.	2313		Dodge & Olcott Co.	2377	

	N. J. No.		N. J. No.
(Bitters) Fernet-L-Branca:		Nitroglycerin tablets:	
Cordial-Panna Co.....	2075	Case, Ensley J.....	2188
Bitters, Hamburg stomach:		Case, George W.....	2188
Weideman Co.....	2094	Flint, Eaton, & Co.....	2365
Bitters, Litthauer stomach:		Milliken, John T., & Co.....	2059
Lowenthal, Strauss Co.....	2207	Neisler, Irwin, & Co.....	2306
Bitters, Pale orange:		Sutliff & Case Co.....	2188
Bettman-Johnson Co.....	2199	Upjohn Co.....	2299
Bitters, Pepsin Magen:		Weinkauff, Jacob.....	2188
Bettman-Johnson Co.....	2222	Nux vomica tablets:	
Caffein tablets:		Case, Ensley J.....	2191
Irwin, Neisler & Co.....	2395	Case, G. W.....	2191
Caffein citrate tablets:		Sutliff & Case Co.....	2191
Flint, Eaton, & Co.....	2365	Weinkauff, J.....	2191
Caffein and acetanilid compound tablets:		Oil, Benzaldehyde:	
Flint, Eaton, & Co.....	2366	Dodge & Olcott Co.....	2377
Cajuput oil:		Oil, Cajuput:	
Meyer Bros. Drug Co.....	2147	Meyer Bros. Drug Co.....	2147
Cassia oil:		Oil, Cassia:	
Rockhill & Vietor.....	2072	Rockhill & Vietor.....	2072
Vietor, Carl L.....	2072	Vietor, Carl L.....	2072
Chewing gum. (See Gum, chewing.)		Oil, Lavender flowers:	
Coca, Beef, wine, and:		Horner, James B.....	2129
Case, Ensley J.....	2213	Stillwell, Arthur A., & Co.....	2133
Case, G. W.....	2213	Oil, Linseed:	
Sutliff & Case Co.....	2213	Duluth & Superior Linseed Works.....	2149
Weinkauff, J.....	2213	Gatlin Mfg. Co.....	2336
Cold push treatment No. 12, Dr. Pusheck's:		Hurlburt, M. A., & Co.....	2149
Pusheck, Dr. Charles A.....	2117	Oil, Rosemary flowers:	
Cold tablets:		Horner, James B.....	2141
Irwin, Neisler & Co.....	2394	Stillwell, Arthur A., & Co.....	2123
Damiana:		Oil, Sassafras:	
Shufeldt, Henry H., & Co.....	2375	Ungerer & Co.....	2136
Essence, Jamaica ginger:		Opium, Tincture of deodorized:	
Farris, W. S.....	2169	Flint, Eaton, & Co.....	2367
Union Mfg. & Packing Co.....	2169	Irwin, Neisler & Co.....	2395
Fernet-L-Branca (bitters):		Orange bitters, Pale:	
Cordial-Panna Co.....	2075	Bettman-Johnson Co.....	2199
Ginger, Jamaica, essence:		Pale orange bitters:	
Farris, W. S.....	2169	Bettman-Johnson Co.....	2199
Union Mfg. & Packing Co.....	2169	Pepsin Magen bitters:	
Gum, Chewing:		Bettman-Johnson Co.....	2222
American Chicle Co.....	2352	Phenacetin tablets:	
Hair, Rum and quinine for the:		Irwin, Neisler & Co.....	2395
Edelstein, Albert.....	2321	Pusheck's, Dr., Cold push treatment No. 12:	
Monte Christo Cosmetic Co.....	2321	Pusheck, Dr. Charles A.....	2117
Hamburg stomach bitters:		Quinine sulphate tablets:	
Weideman Co.....	2094	Flint, Eaton, & Co.....	2365
Jamaica ginger essence. (See Ginger, Jamaica, essence.)		Quinine and rum for the hair:	
Lavender flowers oil:		Edelstein, Albert.....	2321
Horner, James B.....	2129	Monte Christo Cosmetic Co.....	2321
Stillwell, Arthur A., & Co.....	2133	Rosemary flowers oil:	
Linseed oil:		Horner, James B.....	2141
Duluth & Superior Linseed Works.....	2149	Stillwell, Arthur A., & Co.....	2123
Gatlin Mfg. Co.....	2336	Rum and quinine for the hair:	
Hurlburt, M. A., & Co.....	2149	Edelstein, Albert.....	2321
Litthauer stomach bitters:		Monte Christo Cosmetic Co.....	2321
Lowenthal, Strauss Co.....	2207	Salol tablets:	
Monte Christo rum and quinine for the hair:		Irwin, Neisler & Co.....	2395
Edelstein, Albert.....	2321	Sassafras oil:	
Monte Christo Cosmetic Co.....	2321	Ungerer & Co.....	2136
		Sodium salicylate tablets:	
		Flint, Eaton, & Co.....	2365

Sodium and acetanilid tablets:		N. J. No.	Turpentine:		N. J. No.
Upjohn Co.....		2313	U. S. Turpentine & Linseed Oil Co.....		2109
Stomach bitters, Hamburg:			Wine and coca, Beef:		
Weideman Co.....		2094	Case, Ensley J.....		2213
Stomach bitters, Litthauer:			Case, G. W.....		2213
Lowenthal, Strauss Co.....		2207	Sutliff & Case Co.....		2213
Stramonium leaves:			Weinkauff, J.....		2213
Murray & Nickell Mfg. Co.....		2090	Witch-hazel:		
Strychnin sulphate tablets:			Tunkhannock Distilling Co.....		2140
Irwin, Neisler & Co.....		2395	Wonder oil, Dr. Bennett's:		
2400			Bennett Medicine Co.....		2106





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2401.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CLARET WINE.

On or about December 3, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 barrels of so-called claret wine remaining unsold in the original unbroken packages and in possession of J. Carneval, New York, N. Y., alleging that the product had been shipped on or about October 23, 1912, by the G. E. Ryckman Wine Co., Brockton, N. Y., and transported from the State of New York through the State of New Jersey into the State of New York and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Claret—J. Carneval."

Adulteration of the product was alleged in the libel for the reason that it was colored in a manner whereby damage and inferiority were concealed, that is to say, that said product was colored with a certain coal-tar dye, to wit, Azo-Rubin. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, that is to say, claret wine, when, in truth and in fact, it was a spoiled wine, colored with a certain coal-tar dye, to wit, Azo-Rubin, and having a high content of acetic acid so as to render it unfit for use; and further, in that the product was labeled and branded so as to deceive and mislead the purchaser, in that said label represented the product to be claret wine, when, in truth and in fact, it was a spoiled wine colored with a certain coal-tar dye, to wit, Azo-Rubin, and having such a high content of acetic acid as to render it unfit for use; and further, in that the label on the product bore a statement regarding it which was false and misleading, that is to say, the product was labeled "Claret," when, in truth and in fact, it was a spoiled wine colored with a certain coal-tar dye, to wit, Azo-Rubin, and having such a high content of acetic acid as to render it unfit for use.

On January 7, 1913, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2402.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SCUPPERNONG WINE.

On November 13, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 12 bottles of wine remaining unsold in the original unbroken packages and in possession of the Nelson Distilling Co., St. Louis, Mo., alleging that the product had been shipped on or about September 14, 1912, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with Sugar. 12 Bottles Nelson Dist. Co. St. Louis, Mo." (On bottles) "Guaranteed by the Sweet Valley Wine Co., under the Food and Drugs Act, June 30, 1906. Special S V W Co., Trade Mark." "Special Wine Belle of the Valley Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with Sugar Solution Trade Mark S V W Co."

Misbranding of the product was alleged in the libel for the reason that it consisted wholly or in large part of a mixture of pomace and other wines, and contained practically no scuppernong wine, and that the labels on the cases and bottles, to wit, "Special Scuppernong Bouquet" and "Special Wine * * * Scuppernong Bouquet" would deceive and mislead the purchaser thereof into the belief that said product was a scuppernong wine, whereas, in truth and in fact, it was a mixture of pomace and other wines, and that the word "Scuppernong" was printed in much larger type than that used on other words of said labels.

On January 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product had been shipped in interstate commerce

by the Sweet Valley Wine Co., Sandusky, Ohio. It was further ordered by the court that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2402



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2403.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ABSINTHE.

On November 17, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 12 bottles of absinthe, remaining unsold in the original unbroken packages and in possession of J Simon & Sons, St Louis, Mo., alleging that the product had been shipped on or about October 7, 1912, from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Glass—This side up— Absinthe— J. Simon & Sons, St. Louis, Mo." (On bottles) "Absinthe Qualite Superieure Absinthe—Green—Natural Color—Guaranteed by us under Serial No. 21913. Arrow Distilleries Co. Peoria, Ills."

Adulteration of the product was alleged in the libel for the reason that it contained wormwood, an added deleterious ingredient which rendered it injurious to health. It was further alleged that by the provisions of Food Inspection Decision No. 147 the importation, manufacture, and sale of absinthe in the District of Columbia, or the shipment of absinthe in interstate commerce would be considered on and after October 1, 1912, a violation of said Act of Congress, and said decision was duly issued and promulgated on July 25, 1912.

On January 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

THE HISTORY OF THE REIGN OF CHARLES THE FIRST, BY JOHN BURNET, A BISHOP OF THE CHURCH OF ENGLAND. IN THREE VOLUMES. THE FIRST VOLUME. LONDON, Printed by J. Streater, at the Black-Swan in St. Dunstons Church, 1679.

CHARLES THE FIRST, King of Great-Britain, Ireland, France, and Navarre, was born at Windsor, the third of November, 1600. His father, James the Sixth, King of Scotland, and the first of Great-Britain, was then King of Scotland, and afterwards of Great-Britain and Ireland. His mother, Elizabeth, was daughter to Henry the Fourth, King of France. He was educated in the University of Edinburgh, and afterwards in that of Oxford. He was crowned King of Scotland at Edinburgh, the ninth of June, 1603. He was crowned King of Great-Britain and Ireland at Westminster, the twenty-ninth of May, 1606. He was crowned King of France and Navarre at Paris, the twenty-first of May, 1617. He was crowned King of Spain and Portugal at Madrid, the twenty-first of May, 1618. He was crowned King of Sicily and Naples at Palermo, the twenty-first of May, 1619. He was crowned King of Hungary at Buda, the twenty-first of May, 1620. He was crowned King of Bohemia at Prague, the twenty-first of May, 1621. He was crowned King of Poland at Warsaw, the twenty-first of May, 1622. He was crowned King of Prussia at Königsberg, the twenty-first of May, 1623. He was crowned King of Denmark at Copenhagen, the twenty-first of May, 1624. He was crowned King of Sweden at Stockholm, the twenty-first of May, 1625. He was crowned King of Norway at Trondheim, the twenty-first of May, 1626. He was crowned King of the Netherlands at Brussels, the twenty-first of May, 1627. He was crowned King of the Romans at Frankfurt, the twenty-first of May, 1628. He was crowned King of the Bulgars at Sofia, the twenty-first of May, 1629. He was crowned King of the Serbs at Belgrade, the twenty-first of May, 1630. He was crowned King of the Greeks at Constantinople, the twenty-first of May, 1631. He was crowned King of the Armenians at Jerusalem, the twenty-first of May, 1632. He was crowned King of the Indians at Mexico, the twenty-first of May, 1633. He was crowned King of the Americans at Lima, the twenty-first of May, 1634. He was crowned King of the Africans at Cape Town, the twenty-first of May, 1635. He was crowned King of the Malays at Batavia, the twenty-first of May, 1636. He was crowned King of the Chinese at Peking, the twenty-first of May, 1637. He was crowned King of the Japanese at Edo, the twenty-first of May, 1638. He was crowned King of the Koreans at Seoul, the twenty-first of May, 1639. He was crowned King of the Siamese at Bangkok, the twenty-first of May, 1640. He was crowned King of the Burmese at Rangoon, the twenty-first of May, 1641. He was crowned King of the Siamois at Vientiane, the twenty-first of May, 1642. He was crowned King of the Laotians at Vientiane, the twenty-first of May, 1643. He was crowned King of the Cambodians at Phnom Penh, the twenty-first of May, 1644. He was crowned King of the Vietnamese at Hanoi, the twenty-first of May, 1645. He was crowned King of the Chinese at Peking, the twenty-first of May, 1646. He was crowned King of the Japanese at Edo, the twenty-first of May, 1647. He was crowned King of the Koreans at Seoul, the twenty-first of May, 1648. He was crowned King of the Siamese at Bangkok, the twenty-first of May, 1649. He was crowned King of the Burmese at Rangoon, the twenty-first of May, 1650. He was crowned King of the Siamois at Vientiane, the twenty-first of May, 1651. He was crowned King of the Laotians at Vientiane, the twenty-first of May, 1652. He was crowned King of the Cambodians at Phnom Penh, the twenty-first of May, 1653. He was crowned King of the Vietnamese at Hanoi, the twenty-first of May, 1654. He was crowned King of the Chinese at Peking, the twenty-first of May, 1655. He was crowned King of the Japanese at Edo, the twenty-first of May, 1656. He was crowned King of the Koreans at Seoul, the twenty-first of May, 1657. He was crowned King of the Siamese at Bangkok, the twenty-first of May, 1658. He was crowned King of the Burmese at Rangoon, the twenty-first of May, 1659. He was crowned King of the Siamois at Vientiane, the twenty-first of May, 1660. He was crowned King of the Laotians at Vientiane, the twenty-first of May, 1661. He was crowned King of the Cambodians at Phnom Penh, the twenty-first of May, 1662. He was crowned King of the Vietnamese at Hanoi, the twenty-first of May, 1663. He was crowned King of the Chinese at Peking, the twenty-first of May, 1664. He was crowned King of the Japanese at Edo, the twenty-first of May, 1665. He was crowned King of the Koreans at Seoul, the twenty-first of May, 1666. He was crowned King of the Siamese at Bangkok, the twenty-first of May, 1667. He was crowned King of the Burmese at Rangoon, the twenty-first of May, 1668. He was crowned King of the Siamois at Vientiane, the twenty-first of May, 1669. He was crowned King of the Laotians at Vientiane, the twenty-first of May, 1670. He was crowned King of the Cambodians at Phnom Penh, the twenty-first of May, 1671. He was crowned King of the Vietnamese at Hanoi, the twenty-first of May, 1672. He was crowned King of the Chinese at Peking, the twenty-first of May, 1673. He was crowned King of the Japanese at Edo, the twenty-first of May, 1674. He was crowned King of the Koreans at Seoul, the twenty-first of May, 1675. He was crowned King of the Siamese at Bangkok, the twenty-first of May, 1676. He was crowned King of the Burmese at Rangoon, the twenty-first of May, 1677. He was crowned King of the Siamois at Vientiane, the twenty-first of May, 1678. He was crowned King of the Laotians at Vientiane, the twenty-first of May, 1679.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2404.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SCUPPERNONG WINE.

On November 18, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of seven cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in possession of the Frank Sittermann Wine & Liquor Co., St. Louis, Mo., alleging that the product had been shipped on or about March 28, 1912, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ohio Scuppernong Wine 12 bottles." (On bottles) "Golden Eagle (Design of eagle) Ohio, Scuppernong Wine—The A. Schmidt, Jr., and Bros. Wine Co. Sandusky, Ohio."

Misbranding of the product was alleged in the libel for the reason that it consisted wholly or in large part of a mixture of pomace and other wines, and contained practically no scuppernong wine, and that the labels on the cases and bottles, to wit, "Scuppernong Wine", would deceive and mislead the purchaser into the belief that it was a scuppernong wine, whereas, in truth and in fact, it was a mixture of pomace and other wines.

On January 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2405.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GIN; MISBRANDING OF BENEDITTINA; MISBRANDING OF FERNET-EXTRA.

At a stated term of the District Court of the United States for the Northern District of California, begun and held at the city of San Francisco on the first Monday in March, 1912, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bertin & Lepori, a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on August 2, 1911, from the State of California into the State of Nevada—

(1) Of a quantity of so-called Bordon & Co.'s dry gin which was misbranded. The product was labeled: "Bordon & Co's Dry Gin London Style. The original contents of this package guaranteed under the National Pure Food Law, June 30, 1906, by Bertin & Lepori, Inc."

Misbranding of the product was charged in the indictment for the reason that the labels and the words and impressions thereon were false and misleading, in that said labels and impression would and were calculated to deceive and mislead the purchaser into the belief that the product was manufactured by the firm of Bordon & Co., whereas, in truth and in fact, there is no such firm as Bordon & Co. and the product was manufactured by Bertin & Lepori at San Francisco, Cal. Misbranding was charged for the further reason that said labels and the words and impressions thereon would and were calculated to mislead and deceive the purchaser into the belief that the product was Gordon & Co.'s dry gin, a well-known foreign product, whereas, in truth and in fact, it was a domestic product. Misbranding was charged for the further reason that the labels and words and impressions thereon and the general appearance of the bottle was an imitation of another well-known article having a distinctive name, to wit, Gordon & Co.'s dry gin.

(2) Of a quantity of Benedittina which was misbranded. The product was labeled: "Benedittina Liquer (A D G M) Savart Freres Brand." (Neck label) "Liquor bonus est." (Sticker) "The original contents of this package guaranteed under the National Pure Food Law, June 30, 1906, by Bertin & Lepori, Inc."

Misbranding of the product was charged in the indictment for the reason that the word "Benedittina" used on the bottles is the Italian word for benedictine, and each bottle containing the product was a squat bottle, which is the shape of the bottle in which genuine benedictine is imported into this country; that on the neck of the bottle and blown into the glass was a trade mark seal similar to that borne by the bottles in which genuine benedictine is imported into this country; that the mouth of the bottle bore a seal which was similar to that borne by the bottles in which genuine benedictine is imported into this country; that the bottles bore the label set forth above and the general appearance of the bottles and the seals and labels and impressions thereon were false and misleading, in that said general appearance of the bottles, seals, and labels, and the words and impressions on the labels would and were calculated to deceive and mislead the purchaser into the belief that the product was a foreign product, to wit, genuine benedictine, a liquor manufactured under a secret formula by the monks of Normandy, whereas, in truth and in fact, the product was a domestic product and was manufactured in the United States, and further the so-called Benedittina by and through the labels thereon and the impressions and words upon the labels purported to be a foreign product, to wit, genuine benedictine, which is a liquor manufactured under a secret formula by the monks of Normandy, whereas, in truth and fact, it was an imitation of benedictine manufactured in the United States, and further, the general appearance of the bottles and seals and labels thereon and the words and impressions on said labels would and were calculated to deceive and mislead the purchaser into the belief that the product was genuine benedictine, a well-known foreign product, whereas, in truth and in fact, it was a domestic product, and further, the general appearance of the bottles and seals and labels was an imitation of the genuine appearance of the container, seals, and labels, and the words and impressions on the labels of another well-known article having a distinctive name, to wit, genuine benedictine.

(3) Of a quantity of so-called Fernet-Extra which was misbranded. The product was labeled: (On main label) "Fernet-Extra, Amaro Stomatico Febbrifugo Anticolerico—Approvato da tutte le celebrità mediche. Raccomandato contro le febbri e il mal di stomaco prodotto da cattiva digestione. Potente ristoratore delle orze e indicatissimo nelle convalescenze eccitando meravigliosamente

l' appetito. Si prendeca tutte l' ore puro e misto all' acque, al Seltz, vino, caffè', vermouthe, ecc., ecc. Aumentare l' uso puando l' effetto non sia pronto. Si trova presso tutti i Caffettieri, Farmacisti, Emporii, etc. Domandare sempre Fernet Extra." (On small label) "Fernet Extra. Guaranty Legend." (On back of bottle) "The original contents of this package guaranteed under the National Pure Food Law, June 30, 1906, by Bertin & Lepori, Inc."

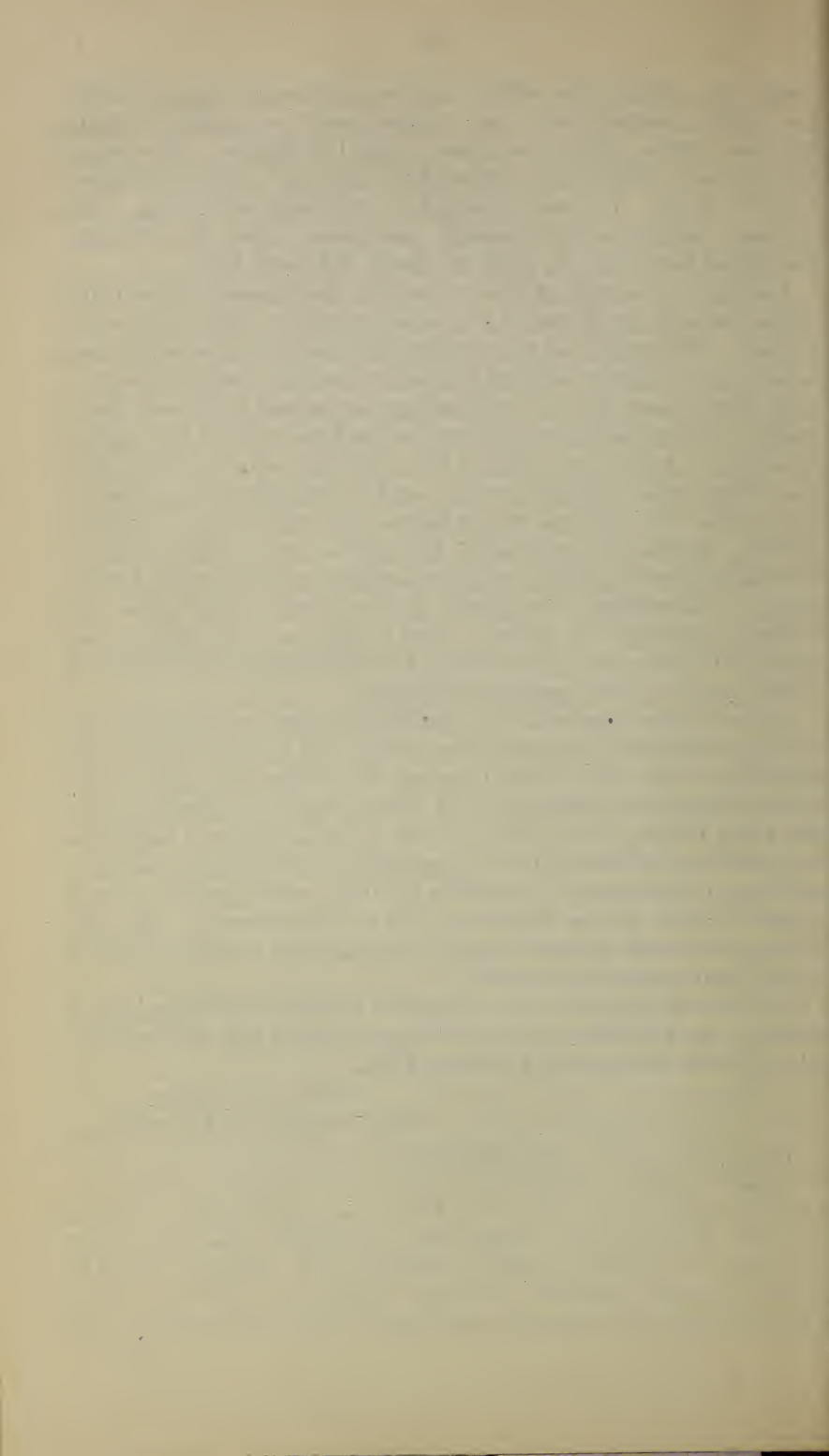
Analysis of a sample of this product by the Bureau of Chemistry of this Department showed it to contain 47.60 per cent of alcohol by volume. Misbranding of the product was charged in the indictment for the reason that the label set forth above and the words and impressions thereon were false and misleading, in that said labels and words would and were calculated to give the purchaser thereof the impression, and to deceive and mislead the purchaser into the belief, that the product was a foreign product, and by and through said labels and words the so-called Fernet-Extra purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product, but was a domestic product and was manufactured within the United States. Misbranding was charged for the further reason that the bottles containing the product failed to bear a statement on the label of the quantity or proportion of alcohol contained therein and a large portion of the product was alcohol.

It was further charged in the indictment that on September 24, 1909, an indictment containing two counts was returned against the defendant in this case, being Criminal Proceeding No. 4711 of said court charging said defendant with the shipment in violation of the Food and Drugs Act on April 28, 1908, from the State of California into the State of Washington, of a quantity of oil which was adulterated, and further that on November 23, 1909, said defendant entered a plea of guilty to the indictment and on November 24, 1909, the court pronounced judgment upon said defendant and sentenced it to pay a fine amounting to \$200.

On December 28, 1912, the defendant company entered a plea of guilty to the indictment in the present proceeding and on December 31, 1912, the court imposed a fine of \$750.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2406.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On October 11, 1911, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George Close Co., a corporation, Cambridge, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on October 7, 1910, from the State of Massachusetts into the State of Pennsylvania, of a quantity of confectionery which was adulterated. The product was labeled: "Big Six 72 Guaranteed under the Food and Drugs Act, June 30/06. Serial number 2640 G. C. Company, Cambridge, Mass."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Test for shellac, positive; test for rosin (Storch-Morawski), indecisive; test for rosin (Halphen's), positive; test for rosin (Parry's), positive; iodine number of resin, 21.9; arsenic as arsenous oxid (Gutzeit method), 6.5 milligrams per kilogram; arsenic as arsenous oxid in shellac scrapings from candy, 87 milligrams per kilogram. Analysis of Exhibit A, 9056-c (a sample of shellac submitted at hearing concerning which the manufacturer made affidavit that it is the shellac used in coating the candy in question), test for shellac, positive; test for rosin (Storch-Morawski), positive; test for rosin (Parry's), positive; test for rosin (Halphen's), positive; test for methyl alcohol, negative; mineral deposit in bottom of bottle identified as yellow arsenic. Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic.

On January 14, 1913, the defendant company entered a plea of nolo contendere and the court imposed a fine of \$25.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2407.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED APPLES.

At the June, 1912, term of the District Court of the United States for the Western District of Virginia, begun and held at Harrisonburg, Va., the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against A. K. Wyant, Moormans River, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 15, 1911, from the State of Virginia into the State of Maryland of a quantity of dried apples which were adulterated. The product was labeled: "Shipped by A. K. Wyant, P. O. Address Moormans River. Expressed from Meechums River, Va. * * *."

Examination of a 396 gram sample of the product by the Bureau of Chemistry of this Department showed it to be covered with excreta and worm-eaten but no worms found. Adulteration of the product was charged in the indictment for the reason that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On January 13, 1913, defendant entered a plea of *nolo contendere* to the indictment and the court imposed a fine of \$25.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



THE HISTORY OF THE UNITED STATES

OF AMERICA

FROM THE FIRST DISCOVERY OF THE COUNTRY
TO THE PRESENT TIME

BY JAMES OSGOOD

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. I. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. II. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. III. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. IV. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. V. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. VI. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. VII. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. VIII. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. IX. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST DISCOVERY OF THE COUNTRY TO THE PRESENT TIME. BY JAMES OSGOOD. VOL. X. NEW YORK: PUBLISHED BY J. B. LIPPINCOTT, 15 N. 2ND ST. 1854.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2408.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VODKA.

On April 29 and April 30, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation—

(1) Of two cases of vodka, one of which remained in the possession of S. Feinstein, Fifth and Lombard Streets, Philadelphia, Pa., and one in the possession of J. Okinsky, Thirteenth and Callowhill Streets, Philadelphia, Pa., the first case containing 150 bottles and the other case containing 50 bottles of vodka, said bottles being of varying sizes and capacities, those in the first case containing 4 fluid ounces or upward, and those in the second case containing 14 fluid ounces and upward, the first case having been opened and a part of the bottles taken therefrom and exposed for sale, and the bottles in the second case remaining unsold in the original unbroken packages, the libels alleging that the product had been shipped on or about April 26, 1912, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product in these cases was labeled, in the Russian language (translated into the English): "Government Pure Alcohol," and was labeled, in addition, in English: "Monopole Vodka, Made and Bottled in Russian Monopole." Adulteration of the product was alleged in the libels for the reason that a certain substance other than vodka, to wit, a dilute solution of alcohol, had been substituted wholly for the product. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements were false and misleading in that they purported to represent that the product was vodka, whereas it was not vodka but was an imitation of vodka. Misbranding was alleged for the further reason that the statements aforesaid on the labels were false and misleading in that they purported to represent that the article was a foreign product, whereas, in truth

and in fact, it was not a foreign product, but was a product of the United States of America.

(2) Of one case of vodka remaining unsold in the original unbroken package in possession of the Pennsylvania Railroad Co., Pier 10, South Wharves, Delaware River, Philadelphia, Pa., alleging that the product had been shipped on or about April 26, 1912, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "23117 4 27 12 1 Qrt. 1 Pint 26½ Pint 1¼ Pint Wheeler & Shore, 18 N. 6th St. Philadelphia Pa. From Russian Monopole Co. 90 Grand St. Bklyn. N. Y.," and on bottles, in the Russian language (translated into English): "Government Pure Alcohol," and also in the English language, "Monopole Vodka, Made in Russian Monopole." Adulteration of the product was alleged in the libel for the reason that a dilute solution of alcohol had been substituted for genuine vodka. Misbranding was alleged for the reason that the product was labeled on the bottles as set forth above, and the statements were false and misleading in that the product was not vodka, but was an imitation of vodka, and for the further reason that the product was labeled as aforesaid and purported to be a foreign product when not so.

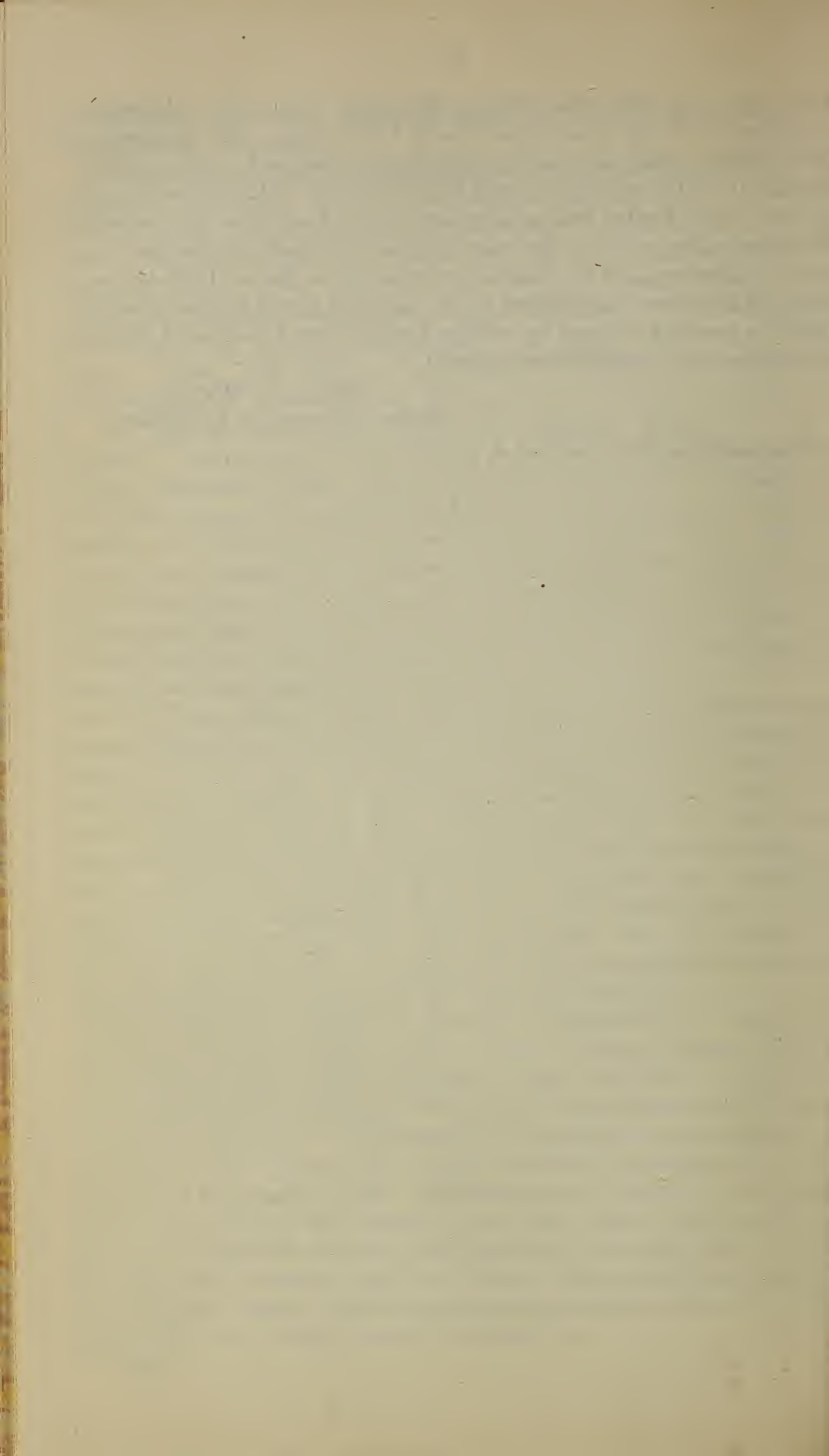
(3) Of three cases of vodka remaining unsold in the original unbroken packages, two of which were at a warehouse on the northeast corner of Fourth and Vine Streets, Philadelphia, Pa., and one of which was in possession of the Pennsylvania Railroad Co., Pier 10, South Wharves, Delaware River, Philadelphia, Pa.; the first two cases containing 500 bottles of approximately 4 fluid ounces of vodka, and the other case containing 50 bottles of approximately 28 fluid ounces of vodka, alleging that the product had been shipped on or about April 16 and April 24, 1912, respectively, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product was labeled, in Russian (translated into English): "Government Pure Alcohol 1/100 (or 1/20) Package Strength 57% Price: Spirits 12K (or 60K) Glass 2K (or 4K) Total 14K (or 64K)," and was also labeled in English: "Monopole Vodka Made and Bottled in Russian Monopole." Adulteration of the product was alleged in the libels for the reason that a dilute solution of alcohol had been substituted for genuine vodka. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements on the labels were false and misleading in that the product was not vodka, but was an imitation of vodka. Misbranding was alleged for the further reason that the product was labeled as aforesaid and purported to be a foreign product when not so.

On May 15, 1912, the Russian Monopole Vodka Co., claimant, Brooklyn, N. Y., by its attorney, Harry Cohen, Esq., filed its answers to the libels, which answers, by agreement of counsel, were, on September 25, 1912, withdrawn, and on October 23, 1912, the court, on motion of the United States attorney, granted an order for the sale of the property, which order was, by leave of court, on January 15, 1913, vacated and, on the date last mentioned, a decree of condemnation and forfeiture was entered in the case and it was further ordered that the product covered by all the libels referred to should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2409.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VODKA.

On August 22, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two cases of vodka, containing approximately 375 bottles of various capacities, each bottle containing 4 fluid ounces or upward of vodka, remaining unsold in the original unbroken packages in possession of S. Feinstein, Philadelphia, Pa., alleging that the product had been shipped, on or about August 16, 1912, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in the Russian language, *inter alia* (translated into English): "Government Pure Alcohol," and also in English, "Monopole Vodka Russian Transfer Monopole Company."

Adulteration of the product was alleged in the libel for the reason that a certain substance other than vodka, to wit, a dilute solution of alcohol, had been substituted wholly for vodka. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements on the label were false and misleading in that they purported to represent that the product was vodka, whereas it was not vodka, but was an imitation of vodka. Misbranding was alleged for the further reason that the statements aforesaid on the label were false and misleading in that they purported to represent that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product, but was a product of the United States of America.

On January 15, 1913, no claimant having appeared for the property, prior order of the court for the condemnation and sale of the property was revoked and vacated and a judgment of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2410.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VODKA.

On August 26, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one case, containing approximately 124 bottles, of vodka, said bottles being of various sizes and capacities, each containing 4 fluid ounces and upward, remaining unsold in the original unbroken packages and in possession of J. Marks, Third and Christian Streets, Philadelphia, Pa., alleging that the product had been shipped on or about August 19, 1912, and transported from the State of New York into the State of Pennsylvania and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, *inter alia*, in Russian (translated into English): "Government Pure Alcohol," and was also labeled in English, "Monopole Vodka, Russian Monopole Co."

Adulteration of the product was alleged in the libel for the reason that a certain substance other than vodka, to wit, a dilute solution of alcohol, had been substituted wholly for vodka. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements on the label were false and misleading in that they purported to represent that the article was vodka, whereas it was not vodka, but was an imitation of vodka; and for the further reason that said statements on the label were false and misleading in that they purported to represent that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product, but was a product of the United States of America.

On January 15, 1913, no claimant having appeared for the property, a prior order of the court for the condemnation and sale of the property was revoked and vacated and a judgment of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2411.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VODKA.

On September 19, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of five cases of vodka, four of which contained 168 bottles of the product, said bottles being of various sizes and capacities and each bottle containing 4 fluid ounces or upward of the product, remaining in the possession of August Remy & Co., 248 North Ninth Street, Philadelphia, Pa.; and one of which, containing 119 bottles of various sizes and capacities, containing 4 fluid ounces or upward of the product, and remaining in possession of John Matter, 1950 Bristol Street, Philadelphia, Pa.; said cases having been opened and the bottles containing the product taken from said cases. The product was labeled, inter alia, in Russian (translated into English): "Government Pure Alcohol," and was also labeled in English: "Monopole Vodka Made and Bottled in Russian Monopole."

Adulteration of the product was alleged in the libels for the reason that a certain substance other than vodka, to wit, a dilute solution of alcohol, had been substituted for vodka. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements on the labels were false and misleading in that they purported to represent that the product was vodka, whereas it was not vodka, but was an imitation of vodka; and for the further reason that the statements aforesaid on the label were false and misleading in that they purported to represent that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product but was a product of the United States of America.

On January 15, 1913, no claimant having appeared for the property, an order of the court granted on October 23, 1912, for the condemnation and sale of the product was revoked and vacated and a decree of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2412.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF FISH.

On March 26, 1910, the United States Attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 pails of fish remaining unsold in the original unbroken packages and in the possession of W. M. Shafer & Co., Frankfort, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Choice XXXX White Lake Fish."

Misbranding of the product was alleged in the libel for the reason that the statements on the brands and labels were false and misleading, in that in truth and in fact the fish contained in the 300 pails were not choice white lake fish, but were lake herring; and the statements contained on said brands and labels were calculated to deceive and mislead the purchaser thereof.

On March 28, 1910, O. H. Dickman & Co., of Cincinnati, Ohio, claimant, having filed an answer admitting the allegations in the libel and paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be released to said claimant upon the execution of bond in conformity with the provisions of section 10 of the Act.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2413.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SHRED COCONUT.

On November 7, 1912, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dunham Manufacturing Co., a corporation, of Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on September 30, 1911, from the State of New York into the State of New Jersey, of two consignments of shred coconut which was adulterated and misbranded. The first consignment of the product was labeled: " $\frac{1}{8}$ lb. Net Dunham's Original Shred Cocoanut Guaranteed by Dunham Manufacturing Company under the Food and Drugs Act, June 30, 1906. Serial No. 1461. Brooklyn, N. Y. Warranted to keep sweet in all climates if kept in a dry place." The second consignment of the product was labeled: "5¢ package Dunham's original shred cocoanut Guaranteed by Dunham Manufacturing Company under F. & D. Act, June 30, 1906. Serial No. 1461. 220 36th St. Bush Terminal, Brooklyn, N. Y."

Analyses of samples of the product in both consignments by the Bureau of Chemistry of this Department showed that they contained added sugar and added glycerin. Adulteration of the product was alleged in the information for the reason that it contained an added substance and substances, which had been substituted in part for the said article, to wit, glycerin and sugar. Misbranding was alleged for the reason that the statement "Shred cocoanut" borne on the label of the product was false and misleading, in that said label purported that the product was composed wholly of shred coconut, when, in truth and in fact, the label did not set forth the ingredients in the product and failed to set forth that it contained another ingredient and ingredients, to wit, glycerin and sugar.

On January 17, 1913, the case having come on for trial before the court and a jury, after the hearing of testimony and argument by counsel, the following charge was delivered to the jury by the court (Veeder, J.):

GENTLEMEN OF THE JURY: I think you have gathered from the evidence and the arguments that the actual issue raised is a very simple one. I shall submit it to you in a very few words. The defendant corporation is charged with the offense of adulteration and misbranding an article of food in interstate shipment. The information contains four counts. You will remember that there were two shipments in evidence, one known as the Dannenhauer shipment, the other as the Dickinson shipment. Both were from New York to Camden, New Jersey. The defendant has admitted the interstate shipment, and the question before you is whether it is guilty of the offense prescribed in the Act. You will probably find no reason to distinguish between the two shipments. Under each shipment there is an allegation of the offense of adulteration, and under each an allegation of misbranding. The first and third counts relate to adulteration, and the second and fourth relate to misbranding. That will probably suffice so far as the various counts in the information are concerned.

This indictment is based upon a salutary law known as the Food and Drugs Act. It is a rather extensive act, and covers a great variety of circumstances. But the general purpose of the act is to prevent the sale under misleading terms of foods and drugs. There are a great many specific provisions with which in this case you have nothing to do, and I shall now point out the material provisions. The first and third counts relate to adulteration. The Act provides:

"That the introduction into any State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or a foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country," is guilty of an offense.

Now this case relates to an article of food, and the Act goes on to say:

"That for the purposes of this Act an article shall be deemed to be adulterated:

In the case of food:

If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength."

You will observe that it is unnecessary to resort to a dictionary meaning of the term adulteration, because the Act specifically prescribes what is meant by adulterated. The first and third counts are based on the second subdivision, which says: "If any substance has been substituted wholly or in part for the article." That, for the purposes of this case, is the definition of what adulteration is; and if you find beyond a reasonable doubt from this evidence that in these two shipments any substance was substituted wholly or in part for the article, then the defendant is guilty under those two counts.

With respect to the second and fourth counts, relating to misbranding, the phraseology of the statute is somewhat different.

Section 8 provides: "That the term misbranded as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false and misleading in any particular"—it is unnecessary to read you what follows in that paragraph—and then it proceeds:

"That for the purposes of this Act an article shall also be deemed to be misbranded in certain specific particulars, and one of them is in the case of food If it be labeled or branded so as to deceive or mislead the purchaser."

You will observe how this differs from section regarding adulteration. It specified what should be deemed adulteration. But with reference to misbranding the statute says that it shall apply to all drugs or articles of food, the package or label of which shall bear any statement, or device, regarding the article or ingredients or substances contained therein, which shall be false or misleading in any particular; and then, after that broad phraseology, the statute goes on to specify that for the purposes of this act an article shall *also*,—that is, in addition to what has gone before,—be deemed to be misbranded in several particulars which follow. The only one that is material to this case is: if it be labeled or branded so as to mislead or deceive the purchaser. If you find beyond a reasonable doubt that this article of food was misbranded as defined in that statute then the defendant is guilty.

Now that is really all there is of this case. You have heard the evidence. There is little or no contest about the facts. It was testified by an officer of the defendant corporation that this cocoanut was imported in bulk; then the cover was taken off and it was shredded and mixed with sugar and glycerine. That is the finished product which has been exhibited to you. There has been some suggestion here that the term 'shredded cocoanut' would signify to the purchaser that sugar and glycerine entered into its composition. Does that appeal to your judgment? You are to determine what the label means, and whether there is or is not an infraction of this statute. Does shredded cocoanut indicate anything more to your mind than cocoanut that has been shredded—that is, torn into shreds? Is there anything about the designation to indicate that anything else entered into its composition? The process of manufacture and the ingredients have been stated. The government's chemist has testified that while there is a small percentage of sugar in cocoanut in its natural state, and slight traces of glycerine; but that the sugar appearing in the Dannenhauer shipment was 24.90 per cent and in the Dickinson shipment was 29.17 per cent; and that the glycerine in the former was 1.79 per cent and in the latter was 2.35 per cent.

You will bear in mind that the first and third counts relate to adulteration, and the second and fourth to misbranding. If you find the defendant guilty on all counts, your verdict will be a general verdict of guilty; if you find the defendant not guilty on all counts you will so specify.

Thereupon the jury retired and subsequently returned a verdict of guilty, and the court imposed a fine of \$25.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 14, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2414.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 9, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ed. J. Marburger, Mount Olive, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 10, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 6,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 100 streptococci. Adulteration of the product was alleged in the information for the reason that it was composed in part of a filthy, decomposed, and putrid animal substance.

On January 16, 1913, a plea of *nolo contendere* to the information was entered by the defendant and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1913.*

95933°—No. 2414—13



Issued July 12, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2415.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 9, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harm Whitehouse, Mount Olive, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 10, 1911, from the State of Illinois into the State of Missouri of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 40,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 100,000 streptococci. Adulteration of the product was alleged in the information for the reason that it was composed in part of a filthy, decomposed, and putrid animal substance.

On January 18, 1913, defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2416.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On July 9, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Nieman, of Mount Olive, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 10, 1911, from the State of Illinois into the State of Missouri of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 2,300,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 gas-producing organisms. (Sample No. 2) 28,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 1,000,000 streptococci. Adulteration of the product was alleged in the information for the reason that it was composed in part of a filthy, decomposed, and putrid animal substance.

On January 18, 1913, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2417.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CRACKED CORN.

On February 28, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 sacks of cracked corn remaining unsold in the original unbroken packages and in possession of the transportation company at Washington, N. C., alleging that the product had been shipped on February 19, 1910, by S. D. Scott & Co., Norfolk, Va., and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Cracked corn, 100 pounds, guaranteed analysis 9 per cent protein, 4 per cent fat and 4 per cent fibre, manufactured by S. D. Scott & Co., Inc., Norfolk, Va., made from pure sound corn."

Misbranding of the product was alleged in the libel for the reason that the weights were incorrectly stated on tags attached to each sack of the product, said product being contained in sacks which according to size and label should have contained 100 pounds each, being labeled as set forth above, whereas, in truth and in fact, the sacks contained only 98 pounds each, making a shortage of approximately 2 per cent on the entire shipment.

On April 4, 1910, S. D. Scott & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

92510°—2417—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2418.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CORN MEAL.

On March 7, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 sacks of corn meal remaining unsold in the original unbroken packages and in possession of the Norfolk & Southern Railway Co. at New Bern, N. C., and alleging that the product had been shipped on or about February 17, 1910, by the Mountain City Mill Co., Chattanooga, Tenn., and transported from the State of Tennessee into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act. Fifty of the sacks were labeled: "Sale Creek Old Style Unbolted Meal Guaranteed under Pure Food and Drugs Act, June 30th 1906. Serial No. 4597. Mountain City Mill Co. Chattanooga, Tenn. Steam ground. 96 lbs. 2 bush. Old Style Meal unbolted." Twenty-five were labeled: "Mountain City Mills Pearl Meal, Guaranteed under Pure Food and Drugs Act June 30, 1906, serial No. 4597, Chattanooga, Tenn. bolted 96 pounds two bushels steam ground."; and 15 were labeled: "Mountain City Mills Pearl Meal, guaranteed under Pure Food and Drugs Act, June 30th 1906, serial No. 4597 Chattanooga, Tenn. bolted 96 lbs. two bushels steam ground."

Misbranding of the product was alleged in the libel for the reason that it was contained in sacks, each of which was labeled to contain 96 pounds, 2 bushels, whereas, in truth and in fact, each of said sacks contained only an average of 93 pounds and none of which weighed 96 pounds according to the label thereon, thus making a shortage of about 3 per cent on the entire shipment.

On June 2, 1910, the said Mountain City Mill Co., claimant, having paid the costs of the proceeding and delivered a good and sufficient bond in conformity with section 10 of the Act, the product was released and delivered to said claimant, and it was ordered by the court that the cause be retired from the docket.

WILLIS L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2419.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CORN MEAL.

On March 31, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 sacks of corn meal remaining unsold in the original unbroken packages and in possession of the Wilson Grocery Co., Wilson, N. C., alleging that the product had been shipped during the month of February, 1910, by C. Syer & Co., Suffolk, Va., and transported in interstate commerce from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "96 lbs. Sweet Briar Bolted Virginia Ground meal. C. Syer & Company, distributors for manufacturers and millers, Norfolk, Va."

Adulteration of the product was alleged in the libel for the reason that each of the sacks was labeled "Sweet Briar Bolted Virginia Ground Meal" sold for and represented to be pure corn meal suitable and fit for food purposes, whereas, in fact and truth, it was in a filthy and decomposed condition and unfit and unsuitable for consumption as human food.

On June 3, 1910, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2420.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. William G. Simpson. Plea of guilty. Fine, \$10.

ADULTERATION OF MILK.

On February 10, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of said District an information against William G. Simpson, Alexandria, Va., alleging the sale by said defendant at the District aforesaid, on January 7, 1913, of two quantities of milk which was adulterated in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with it so as to reduce and lower its quality.

On February 10, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 6, 1913.

92510°—2420—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2421.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 30 Jugs Orangeade Syrup. Decree of condemnation by default.
Goods ordered destroyed.

ADULTERATION AND MISBRANDING OF ORANGEADE SYRUP.

On February 8, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 30 jugs of orangeade syrup, remaining unsold and in the original unbroken packages in the possession of Charles J. Stein, trading as Stein Bros., Washington, D. C., alleging that the product had been shipped on or about June 14, 1911, from the State of Missouri into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Blanke-Baer's Conc. Syrup. Orangeade. Preserved with 1/10 of 1% Benzoate of Soda & Artificially Colored. Compound. Blanke-Baer Chemical Co., Offices & Laboratories 212-216 S. 7th St., St. Louis, Mo. Concentrated Syrup. Directions. To make Fountain Syrup. Dilute with 3 parts Simple Syrup. Shake Well Before Diluting."

Adulteration of the product was alleged in the libel for the reason that said product was a compound or mixture in which citric acid and sugar had been substituted either in whole or in part for fresh orange juice or syrup, and the product was a preparation which had been colored and mixed by the addition of an artificial coloring matter or substance in a manner whereby damage or inferiority was concealed, and in order to imitate a concentrated syrup of orange, and whereby the product, in fact, imitated and appeared to be a concentrated syrup of orange or orangeade. Misbranding was alleged for the reason that the product was labeled and branded as afore-

said so as to deceive and mislead the purchaser in that the labels and brands signified and imported that the product was concentrated syrup of orange, when, in truth and in fact, it was not a concentrated syrup orangeade but was a mixture or compound of citric acid, sugar, oil of orange, and artificial coloring matter.

On January 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the product adulterated and misbranded, and it was further ordered that said product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 7, 1913.*

2421



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2422.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 100 Cases Crushed Oranges. Decree of condemnation by consent on charge of misbranding. Goods released on bond.

MISBRANDING AND ALLEGED ADULTERATION OF CRUSHED ORANGES.

On May 23, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 100 cases, each containing 48 cans of crushed oranges remaining unsold in the original unbroken packages and in possession of the following named parties: 45 cases in possession of the Washington Storage Co., 5 cases in possession of Henry P. Kern, 20 cases in possession of G. G. Cornwell & Son, 15 cases in possession of the Connecticut Pie Co., 5 cases in possession of S. A. Reeves, and 10 cases in possession of Lewis Holmes, trading as Holmes & Son, all of Washington, D. C. The libel alleged that the product had been shipped on or about April 13, 1912, by Muns Bros., New York, N. Y., and transported from the State of New York into the District of Columbia, and charged adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Crushed Oranges—Two-Gene's Brand—The Orange Canning Co., Los Angeles and Pomona, California. Crushed oranges are crushed from select California tree-ripened oranges. By our process of canning the oil cuticles of the peel are unaltered and together with the pulp and juice of the best oranges, is the most palatable fruit on the market. We add no preservatives nor sugars of any kind, but sugar or water may be added desirable to the taste. These oranges are most conveniently eaten, and are better than oranges in their form costing only one-half as much. * * * Guaranteed under the Food and Drugs Act of June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent thereof, to wit, orange juice, had been wholly or in part abstracted. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, canned crushed oranges, when, in truth and in fact, it was not so, but consisted of orange pomace from which the orange juice had been removed. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that the labels thereon bore certain statements as aforesaid regarding the ingredients and substances contained therein, which statements were false and misleading, in that they signified and imported that the product was canned crushed oranges, whereas in truth and in fact it was orange pomace from which the orange juice had been removed.

On January 21, 1913, E. L. Klein, trading as the Orange Canning Co., claimant, having entered his appearance, consented to a decree, and paid the costs of the proceedings, a decree of condemnation and forfeiture was entered, the court finding the product misbranded only. It was further ordered by the court that the product should be released and delivered to said claimant upon the execution of bond in the sum of \$300 in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 7, 1913.*

2422



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2423.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 600 Cases of Catsup. Decree of condemnation by consent. Goods ordered destroyed.

ADULTERATION OF CATSUP.

On June 14, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 24 10-ounce bottles of catsup, remaining unsold in the original unbroken packages and in the possession of the Ryley-Wilson Grocer Co., Kansas City, Mo., alleging that the product had been shipped on or about January 27, 1912, by the National Pickle & Canning Co., Keokuk Pickle Co. Branch, Keokuk, Iowa, a corporation, and transported from the State of Iowa into the State of Missouri, charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 doz. 10 oz. Montrose Brand Champagne Tomato Catsup, Keokuk Pickle Co., Keokuk, Iowa" "Contains 1/10 of 1% Benzoate of Soda". (On bottles) "Montrose Brand Tomato Catsup (Design of red tomato) Prepared from Pure Ripe Tomatoes, Preserved with 1/10 of 1% Benzoate of Soda. Spices, Sugar, Salt and Grain Vinegar. National Pickle & Canning Co., Keokuk Pickle Co., Branch, Keokuk, Iowa."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, containing yeast, spores, and bacteria. On January 23, 1913, the said National Pickle & Canning Co., claim-

ant, having entered its appearance, admitted the allegations of the libel, and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal, and that upon payment of all costs by said claimant the empty bottles and cases that had contained the product should be returned to said claimant.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 10, 1913.

2423

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2424.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. J. Louis Krick. Plea of guilty to charge of adulteration. Fine, \$5.
Charge of misbranding nolle prossed.**

ADULTERATION AND ALLEGED MISBRANDING OF TINCTURE OF IODINE.

On January 23, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against J. Louis Krick, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on June 8, 1912, in violation of the Food and Drugs Act, of a quantity of tincture of iodine which was adulterated and misbranded. The product was labeled: "Tinct. Iodine—Poison (Skull and cross bones) Antidote—Starch water administered freely. J. Louis Krick, Pharmacist, Pennsylvania Avenue, N. W., Washington, D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 5.88; potassium iodide per 100 cc, none; alcohol, 95 per cent. Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of the investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbranding was alleged for the reason that the product was branded and labeled so as to deceive and mislead the purchaser, in that the label on the bottle bore the words and phrase "Tinc. Iodine," meaning

and importing to the purchaser thereof that the product was a tincture of iodine, conforming to the standard set forth in the United States Pharmacopœia, whereas in truth and in fact it was not.

On January 23, 1913, the defendant entered a plea of guilty to the first count of the information, charging adulteration, and the court imposed a fine of \$5. A *nolle prosequi* was entered as to the second count of the information, charging misbranding of the product.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 12, 1913.*

2424



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2425.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Morgan Bros. Plea of guilty to charge of adulteration. Fine, \$5. Charge of misbranding nolle prossed.

ADULTERATION AND ALLEGED MISBRANDING OF TINCTURE OF IODINE.

On January 23, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Malcolm Ward Morgan and Joseph Harold Morgan, a copartnership, trading under the firm name and style of Morgan Bros., Washington, D. C., alleging the sale by said defendants, at the District aforesaid, in violation of the Food and Drugs Act, on July 15, 1913, of a quantity of tincture of iodine which was adulterated and misbranded. The product was labeled: (On bottle) "Tinct. Iodine, U. S. P. (Skull and cross bones) Poison Poison Contains 90% Absolute Alcohol by volume. Antidote—Emetics and follow with drinks of flour or starch in water; Milk. (Monogram) JHM, Morgan Bros. Pharmacists, Cor. 30th and P Sts., N. W., Washington, D. C." (Blown in bottle): "Morgan Bros. Pharmacists M 30th and P Sts., N. W., Wash., D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 1.97; potassium iodide (grams per 100 cc), 1.3; alcohol (per cent by volume), 86. Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the

time of the investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbranding was alleged for the reason that the product was branded and labeled so as to deceive and mislead the purchaser, in that the label on the bottle bore the words and phrase "Tinct. Iodine", meaning and importing to the purchaser thereof that the product was tincture of iodine, conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not.

On January 23, 1913, the defendants entered a plea of guilty to the first count of the information, charging adulteration, and the court imposed a fine of \$5. A nolle prosequi was entered as to the second count of the information, charging misbranding of the product.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 12, 1913.*

2425



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2426.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Alfred T. Bronaugh. Plea of guilty to first and third counts of the information. Fine, \$10. Second count of information nolle prossed.

ADULTERATION AND MISBRANDING OF TINCTURE OF IODINE.

On January 21, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information in three counts against Alfred T. Bronaugh, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on June 17, 1912, of a quantity of tincture of iodine which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: "Tinct. Iodine. Poison! Caution! Antidote: * * * A. T. Bronaugh Pharmacist, S. W. Cor. 7th and P. Sts., N. W., Wash. D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 4.40; potassium iodide (grams per 100 cc), 5.38; alcohol, 85 per cent. Adulteration of the product was alleged in the first count of the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of the investigation, and said drug product differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbranding was alleged in the second count of the information for the reason that the product was branded and labeled so as to deceive and mislead the purchaser in that the label bore the words and phrase "Tincture of Iodine," meaning and importing to

the purchaser thereof that the product was a tincture of iodine conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not. Misbranding was alleged in the third count of the information for the reason that the product did not bear on the label thereof a statement of the quantity and proportion of alcohol contained therein

On January 21, 1913, the defendant entered a plea of guilty to the first and third counts of the information and the court imposed a fine of \$10. A nolle prosequi was entered as to the second count of the information.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 13, 1913.*

2426

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2427.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 213 Packages Salt Fish. Decree of condemnation by default.
Goods ordered destroyed.**

ADULTERATION OF SALT FISH.

On October 30, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 213 packages of salt fish remaining unsold in the original unbroken packages and in possession of the Pennsylvania Railroad Co., alleging that the product had been shipped on or about October 25, 1912, by E. Zucca, New York, N. Y., consigned to Antonio Marano, Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "S. R. Italy".

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On January 23, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 14, 1913.*

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

BY JAMES M. SMITH

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2428.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Philip G. Affleck. Plea of guilty. Fine, \$5.

MISBRANDING OF ELIXIR IRON, QUININE, AND STRYCHNINE.

On January 22, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Philip G. Affleck, Washington, D. C., alleging the sale by said defendant, at the District aforesaid, on April 18, 1912, of a quantity of elixir iron, quinine, and strychnine which was misbranded in violation of the Food and Drugs Act. The product was labeled: (On bottle) "Elixir Iron Quinine and Strychnine This preparation is a combination of the three most efficient tonics now in use, and in a condition most favorable to their ready assimilation. This combination forms a permanent and agreeable tonic and stimulant in all cases of nervous debility, collapse and other exhausted and depressed conditions and as used is being prescribed by leading physicians. Directions—A teaspoonful in a little water 3 or 4 times daily after meals. Affleck's Drug Stores 904 G Street, N. W. and 15th and F Streets, N. W. Washington, D. C."

An analysis of a sample of the product by one analyst of the Bureau of Chemistry of this Department showed 0.36 grain of alkaloids per dram and 22.5 per cent of alcohol by volume. Check analysis by another analyst gave 0.4 grain of alkaloids per dram and about 23 per cent of alcohol by volume. Misbranding of the product was alleged in the information for the reason that the label thereon failed to bear a statement of the quantity and proportion of alcohol contained therein.

On January 22, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$5.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 14, 1913.*

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United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2429.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 5 Cases Maple Syrup. Judgment of condemnation by default.
Goods ordered destroyed.**

ADULTERATION AND MISBRANDING OF MAPLE SYRUP.

On or about November 20, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five cases, each containing ten 1-gallon cans of maple syrup, remaining unsold in the original unbroken packages and in possession of Hirsch & Lowenstein, New York, N. Y., alleging that the product had been shipped on or about October 18, 1912, by M. A. Marx, Andes, N. Y., and transported from the State of New York through the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Made from pure maple sap by Augustus Graby, M. A. Marx, Andes, N. Y."

Adulteration of the product was alleged in the libel for the reason that a certain substance, that is to say, water, had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a certain substance, that is to say, water, had been substituted in part for the product. Misbranding was alleged for the reason that the product was falsely branded so as to deceive and mislead the purchaser, that is to say, it bore a label which represented that it was maple syrup, whereas, in truth and in fact, it consisted of diluted maple syrup and was not maple syrup of standard strength, and further for the reason that

the label on the product bore a statement, design, and device which were false and misleading, that is to say, it bore a label which represented that the article was maple syrup, whereas, in truth and in fact, it consisted of diluted syrup and not maple syrup of standard strength.

On January 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 15, 1913.*

2429



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2430.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. William W. Culler. Plea of guilty. Fine, \$10.

ADULTERATION OF CREAM.

On February 8, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of said District an information against William W. Culler, Adamstown, Md., alleging the sale by said defendant, at the District aforesaid, on January 18, 1913, of two quantities of cream which was adulterated in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the information for the reason that a valuable constituent of the article, to wit, butter fat, had been left out and abstracted in whole or in part.

On February 8, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 15, 1913.*

95932°—No. 2430—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2431.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. Ernest L. Robey. Plea of guilty to charge of adulteration.
Fine, \$5. Charge of misbranding nolle prossed.**

ADULTERATION AND ALLEGED MISBRANDING OF TINCTURE OF IODINE.

On January 25, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Ernest L. Robey, trading under the name and style of Robey's Pharmacy, Washington, D. C., alleging the sale by said defendant, at the District aforesaid, in violation of the Food and Drugs Act, on June 12, 1912, of a quantity of tincture of iodine which was adulterated and misbranded. The product was labeled: (On bottle) "Tinct. Iodine, U. S. P. Poison (Skull and cross bones) Poison containing 90% absolute alcohol by volume. Antidote: Emetics, and follow with drinks of Flour or Starch in water; Milk. Robey's Pharmacy, Successor to A. J. Shafhirt, Cor. N. Capitol & H Sts., N. W., Washington, D. C." (Blown in bottle) "Robey's Pharmacy, North Capitol & H Sts., N. W., Washington, D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 5.09; potassium iodide (per 100 cc), only a trace; alcohol, 91 per cent. Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of the investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbrand-

ing was alleged for the reason that the product was branded and labeled so as to deceive and mislead the purchaser, in that the label on the bottle bore the words and phrase "Tinct. Iodine," meaning and importing to the purchaser thereof that the product was a tincture of iodine, conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not.

On January 25, 1913, the defendant entered a plea of guilty to the first count of the information, charging adulteration, and the court imposed a fine of \$5. A nolle prosequi was entered as to the second count of the information, charging misbranding of the product.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 16, 1913.*

2431

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2432.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 145 Boxes Print Cheese. Judgment of condemnation. Goods released on bond.

MISBRANDING OF CHEESE.

On or about May 22, 1911, the United States Attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 145 boxes of Print cheese and 100 boxes of Daisy cheese, remaining unsold in the original unbroken packages and in possession of the Goyer Co., Greenville, Miss., alleging that the product had been shipped on or about May 9, 1911, by A. H. Barber & Co., Chicago, Ill., and transported from the State of Illinois into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act. The Print cheese was labeled: "Barbers Superlative Creamlets, Pound Cuts, Contain all the Cream." The Daisies were labeled: "Superlative Full Cream Cheese, A. H. Barber & Co., Chicago, Ill." and in addition there were upon each of the boxes of Daisies penciled figures indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that the Print cheese was branded and labeled as aforesaid, and none of the boxes contained one pound cuts of cheese, and the boxes of Daisy cheese were misbranded for the reason that none of the cheeses therein weighed as much as they were represented by said labels to weigh, the branding of both products being such as to mislead purchasers.

On June 11, 1911, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said Goyer Co., claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 16, 1913.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2433.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 8 Cases Coffee. Decree of condemnation. Goods ordered sold or destroyed.

MISBRANDING OF COFFEE.

On February 18, 1911, the United States Attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing 50 cans of coffee, remaining unsold in the original unbroken packages and in possession of the Calcasieu Mercantile Co. (Inc.), Lake Charles, La., alleging that the product had been shipped from the State of Texas into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Rosenbergs Sanclara Brand Coffee, Chicory and Cereal, Ground, Calcasieu M. Co., Lake Charles, La. Guatemala Coffee Co., Houston, Texas." (On cans) "Rosenbergs Sanclara Brand Coffee, Guatemala Coffee Co., Houston, Texas. Guezaltenango C Agutemala C A." The labels on the cans also bore, inconspicuously displayed so as to readily escape the notice of purchasers, the words "Chickory and Cereal."

Misbranding of the product was alleged in the libel for the reason that the words on the labels announcing the product as coffee were in large and conspicuous white type on a red background, and the words declaring the presence of chickory were in considerably reduced type on a blue background, which plainly conveyed the impression that the product was all coffee, the product therefore being misbranded, and said misbranding was not corrected by the words

"Chickory and Cereal" in inconspicuous type, all of which was done for the purpose of misleading and deceiving the purchaser and the public. It was further alleged that the product was misbranded in employing the form and design of labeling, for the reason that it implied that said product was entirely coffee, the words "Chickory and Cereal" being in smaller and inconspicuous type, whereas under examination said product contained about 62 per cent coffee and 38 per cent chickory and cereal.

On May 15, 1911, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold subject to the provisions of the Food and Drugs Act or destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 17, 1913.*

2433

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2434.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Roger L. Dade. Plea of guilty. Fine, \$5.

ADULTERATION OF CREAM.

On January 30, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of said District an information against Roger L. Dade, Lander, Md., alleging the sale by said defendant, at the District aforesaid, on January 20, 1913, of a quantity of cream which was adulterated in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been left out and abstracted in whole or in part.

On January 30, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$5.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 17, 1913.*

95932°—No. 2434—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2435.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Richard N. Popkins. Plea of guilty. Fine, \$10.

ADULTERATION OF MILK.

On February 1, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of said District an information against Richard N. Popkins, Alexandria, Va., alleging the sale by said defendant, at the District aforesaid, on January 3, 1913, of a quantity of milk which was adulterated, in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On February 1, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 17, 1913.*

95932°—No. 2435—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2436.

SUPPLEMENT TO NOTICE OF JUDGMENT NO. 1881.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. J. L. Hopkins & Co. Tried to a jury. Verdict, guilty. Sentence suspended

ADULTERATION AND MISBRANDING OF GUM TRAGACANTH.

On June 27, 1912, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. L. Hopkins & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 1, 1909, from the State of New York into the State of Virginia of a quantity of gum tragacanth which was adulterated and misbranded. The product was labeled: "5 lbs. No. 1 Tragacanth Gum, U. S. P. (*astragalus gummifer*) J. L. Hopkins & Co. New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed it to be a product known as Indian gum. No tragacanth gum (*Astragalus gummifer*) was present. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, gum tragacanth, and differed from the standard of strength, quality, and purity as determined by the test laid down therein at the times of shipment and investigations, in that it was not gum tragacanth and was not a gummy exudation from *Astragalus gummifer* Labillardiere or from other species of *astragalus*, but was a powdered Indian gum, and also in that it failed to conform to the tests laid down in said Pharmacopœia, among others, the tests by sodium hydroxid and iodine and alcohol, and the standard of strength, quality, or purity thereof was not stated on the package,

excepting the false statement that the article conformed to the standard prescribed in the United States Pharmacopœia, and its strength and quality fell below the professed standard and quality under which it was sold in that it was sold as gum tragacanth of the standard of said Pharmacopœia and was not such, but was of the character hereinbefore described. Misbranding was alleged for the reason that the product was labeled as aforesaid so as to deceive the purchaser or purchasers, in that the package and label bore statements regarding the product and the ingredients and substances contained therein which were false and misleading in that they stated that the product was gum tragacanth of the standard prescribed in the United States Pharmacopœia, whereas it was not gum tragacanth but was Indian gum and was not of the standard prescribed in said Pharmacopœia.

On August 6, 1912, the defendants, by their attorneys, entered certain pleas to the jurisdiction of the court and under the statute of limitations, and said pleas were, on October 19, 1912, overruled, as will more fully appear from the decision of the court (Chatfield, J.):

An information has been filed against the defendant-company, charging a violation of the Law of June 30, 1906, Chapter 3915, known as the Pure Food and Drugs Law. The information alleges that the defendant-corporation, on September 1, 1909, did, within the County of Kings and State of New York, unlawfully ship and deliver for shipment, by a steamboat line, from Brooklyn to Norfolk, in the State of Virginia, a certain drug, which was not properly branded as required by the statute.

The other allegations have nothing to do with the questions now raised by the defendant, who has interposed a plea in bar, after appearing by attorney. This plea attacks, first, the jurisdiction of the District Court, in this the Eastern District of New York, alleging that the defendant-corporation is organized under the laws of the State of New York, with its office and principal place of business within the Southern District, and not within the Eastern District.

This objection cannot be raised by a plea based upon the wording of the information. On demurrer this objection would be unavailing, for the wording of the information states specifically and solely that the corporation was a corporation of this, the Eastern District. The plea, therefore, is intended to raise an issue as to the actual district in which the corporation is domiciled. But this issue does not necessitate the taking of testimony, for the Government has admitted that the place of business and principal office of the corporation is 100 William Street, as stated by the defendant.

For the purposes of the argument, therefore, we can take the statement of the plea to be a correct statement of fact, and consider whether or not a corporation, having its principal place of business and its home office in the Southern District of New York, and therefore having the right, under the statute relating to civil actions, to be sued only in that district, can present the same questions and insist upon the same rights, if charged with a crime under the statute upon which the present information is based.

The law, in Section 2, prohibits the *introduction into* any state of any article of food or drugs, adulterated or misbranded, and provides that any person who shall *ship or deliver for shipment*, from any state to any other state, any such adulterated article, shall be guilty of a misdemeanor.

The defendant contends that, inasmuch as the statute relates to interstate commerce, no jurisdiction can be acquired except through the existence of interstate commerce.

That much of the defendant's contention is correct, and prosecution can be had in no district except one in which prosecution is authorized and jurisdiction given by the statute. The question of regulation, or the manner of administration in the Department of Agriculture, could not prevail over the express language of the statute.

In Section 4 it is provided, that the Secretary of Agriculture shall at once certify the fact to the *proper* United States district attorney. This means, and means no more, than that the proceedings shall be certified to the district attorney in whose district prosecution should be had.

Section 10 provides for the seizure of goods within any district where the same may be found. But that relates to a civil proceeding against the goods themselves, and does not in any way determine in what jurisdiction a criminal proceeding can be brought. The provision of the Constitution, that the trial of all crimes shall be by jury, and such trial held in the state where the crime shall have been committed, does not in any way affect prosecution under this statute, for the state in which prosecution is to be had, is clearly defined by the statute itself.

The defendant claims that the prohibited act is the "introduction into" another state. Yet the defendant seems to admit that the prosecution can be had in the *state* of New York, although, if a strict construction were to be given to the defendant's argument, it would be necessary to hold that the crime occurred at the place of introduction of the goods into another state, thus making the place in which trial should be had, the state where the goods are received, rather than that in which they are shipped.

But this is contrary to the express provision of the statutes, which prohibits *introduction* into another state by interstate commerce, but makes the *crime* the shipping or delivering for shipment at the place in which the commerce is instituted by the physical act of shipment.

The position taken by the defendant, however, is that the prosecution can only be brought in the district where the corporation, in so far as it is able, carries out the mental and physical process, through its agent, of setting in motion activities which shall result in the shipment of the goods, through interstate commerce. But such a contention is not a literal statement of the words of the statute, nor would this law be capable of such application. Where two constructions of a statute are possible, one leading to a practical method of procedure, while the other leads only to an ineffectual or impossible position, the practical meaning should be taken, and the statute so construed as to accomplish the object for which it was intended, unless this object be plainly contrary to the results which would be obtained by the construction followed.

It is evident that the result of prosecution, in the present instance, in the Southern District of New York, would lead to the dismissal of an indictment, for no contract or order to cause the shipment of goods by interstate commerce could be construed as the actual act of shipment. Hence, the result of such a holding would be to limit prosecution under the statute to a district where prosecution could not be successful, and such construction would have been made in the face of the plain statement that the crime consists of "shipping or offering for shipment", which is the act of starting the shipment of the goods by some common carrier, or other means of transportation, having as its first step a delivery for shipment. To hold otherwise would mean a differentiation in the possession of the goods by the defendant before they were

packed, while they were packed up in the warehouse, and while they were on its delivery wagon or other means of transfer, and while its own possession of these goods was entirely undisturbed.

For these reasons it is plain that the information is correct in form, in charging that the crime, if committed under the statute, began with the delivery of the goods to the steamship company in Brooklyn, and that prosecution should be had in this district.

The defendant also pleads the statute of limitations is an original way. The Pure Food and Drugs Law provides for a hearing upon notice, after examination, and, if an adulteration of a drug shall be found, that an opportunity of hearing shall be given. If after the hearing it appears that any of the provisions of the act have been violated, the statute is specific and technical in its description of the acts prohibited, and in the statement of the penalty therefor. The defendant therefore invokes the well-known doctrine that a specific statute, repealing in terms or in necessary effect, the provisions of the general statute, shall be held to prevail over all the provisions of a general statute, which are thus expressly or impliedly set aside.

The general statute of limitations, formerly two years and now three years, by the statute of 1876, is claimed by the defendant to have been repealed, inasmuch as no specific limitation is placed upon the prosecution under the Pure Food and Drugs Law, and as the language of the sections throughout the entire statute indicates that immediate and prompt action is to be had. The defendant invokes the doctrine of laches, not so much as a sufficient defense to the prosecution of this information itself, but it relies upon that doctrine as an argument for its claim that the general statute of limitations is inapplicable, and hence, that it is inferentially repealed through the intent spelled out of the requirement for immediate action.

The defendant would apparently seek to substitute for the general statute of limitations, of three years after the commission of an offense, an ambiguous and uncertain equitable determination by the court as to whether the proceedings had been so promptly conducted that the prosecution should be allowed to go on. The theory of a statute of limitations is no longer dependent upon the presumption of some grant freeing the person interested from prosecution, or the lapse of time within which the evidence has presumably been lost. It is rather a definite period prescribed by law, within which an indictment must be filed, provided the defendant is not a fugitive. There is nothing in the Pure Food and Drugs Law which interferes with the operation of a statute of three years, beyond which delay cannot be allowed. Whether or not laches on the part of the Government officials had intervened, and whether the defendant's rights had thereby been prejudicially affected, or whether the act which was charged as an offense has been reduced to a mere technicality, would be something for the court to take into account in imposing sentence. But it cannot be said that the intent of Congress was to set up different standards of time limits for the actual filing of an indictment (either greater or less than three years as the case might be) by provisions in the law intended to assure a speedy hearing and a prompt method of determining whether acts would be considered by the Department as violations of the law, from which a criminal prosecution might result. Even if the acts in question had been terminated, and the prosecution might thereby depend upon methods or practices long since discontinued, or if the defendant, because of the delay in instituting proceedings, had continued upon a course which it ultimately found would bring itself in conflict with the Government, these matters, again,

would be questions to be considered in imposing sentence, and are not a bar to the filing of an information at any time within the three-year period.

The pleas must be overruled, and the defendant called upon to plead generally to the information.

On January 29, 1913, the case having come on for trial before the court and a jury, after the hearing of testimony and argument by counsel, the following charge was delivered to the jury by the court (Veeder, J.):

GENTLEMEN OF THE JURY: This case has taken quite a little time, and necessarily so; because in dealing with a subject matter that you are not familiar with, a great deal of evidence has been necessary to put you in a position where you can consider the matter intelligently. In other words, much of the evidence has been descriptive. In the charge I shall be brief out of all proportion to the time consumed in introducing the evidence. You must understand, at the outset, that in disposing of the motions made on behalf of the defendant, I am not expressing any opinion on the ultimate question of fact which it is your province to determine. When I deem it necessary to aid the jury in the discharge of their duty by way of explanation or otherwise, it is my practice to discuss the facts; but I do not regard it necessary in this case, and I shall not undertake to do it. I must not be understood as expressing any opinion on the facts, which are entirely within your province.

The statute of the United States commonly known as the Food and Drugs Act is, as expressed in its title, "an act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for illegal traffic therein, and for other purposes." It contains a great variety of provisions—necessarily so in view of its purpose, and I shall read to you only the parts that bear on the issue before you. It provides:

"That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court." I read continuously without eliminating unessential parts, so that you might get the entire sense. The punishment and penalty is something with which, of course, you have nothing to do. Now, that is the general statement of the offense. Of course, it becomes necessary, in the next place, to find out what is

a food and what is a drug. We are concerned in this case with an alleged drug, and the Act defines a drug in this way:

"That the term 'drug,' as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals."

That is the definition of a drug under this Act. Then it goes on to provide as to what shall be deemed under the Act adulteration and misbranding. It says:

"That for the purposes of this Act an article shall be deemed to be adulterated:

In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: Provided, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that laid down in the United States Pharmacopœia or National Formulary."

I read you the whole paragraph. You see the general purpose is simply that the drug introduced into Interstate commerce shall be what it purports to be. Then there is a definition of misbranding:

"That the term 'misbranded', as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced."

That is the definition of misbranding. Differing somewhat from the case of adulteration, the Act goes on to specify:

"That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article."

Now that is as much of the law as is necessary to read for your consideration of this case. The information contains two counts. The first count charges adulteration, the second misbranding. The charge in the first count is that the defendant violated this law by this shipment in evidence, consigned to Burrow Martin and Company in the State of Virginia, which is alleged to be a drug and a medicine recognized in the United States Pharmacopœia for internal use and a substance intended for the cure, mitigation and prevention of disease of man, to wit: a gum purporting to be gum tragacanth in a package and container labelled as follows: "5 lbs. No. 1 Tragacanth Gum, U. S. P. (astragalus gummifer) J. L. Hopkins & Co. New York". It is alleged that that article so shipped was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, to wit: gum tragacanth, and differed from the standard of strength, quality and purity as determined by the test laid down therein at the time of shipment, in that it was not gum tragacanth, and was not a gummy exudation from astragalus gummifer Labil-

lardiere or from other species of astragalus, but was powdered Indian gum; also, in that it failed to conform to the test laid down in said Pharmacopœia, among others, the test of sodium hydroxide, iodine and alcohol, and the standard of strength, quality and purity therein is not stated on said package, excepting the false statement that said article conformed to the standard prescribed in the United States Pharmacopœia, and the strength and quality fell below the professed quality and standard of the United States Pharmacopœia, and was not such, but was of the character hereinbefore described.

Now, in the first place, the government must prove the sale and introduction into interstate commerce. The Act, you will observe, makes the offense the introduction into interstate commerce; but in this first count of the information a sale has been alleged, and although I should be justified under certain circumstances in striking that out as surplusage, it has been alleged in such a way that it cannot be stricken out as surplusage, and therefore the government must prove it. The evidence on that point is before you from inception to conclusion. The introduction into interstate commerce is compromised necessarily within the sale to this consignee in Virginia, if you find that there was a sale, but you are to find as a fact whether there was a sale. The motive back of the sale is something that you need pay no attention to. The fact is the thing that you are concerned with—was there an actual sale?

Then, was this article in exhibit two a drug, as alleged. Now a drug, I repeat,—and this is your guide—includes all medicines, and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation and prevention of disease of either man or other animals. It refers you to the United States Pharmacopœia. You are to look at the entry of tragacanth in that book, in connection with the limitation or explanation made in the preface, and then upon a consideration of that, in connection with all the other evidence in this case, you are to find the fact, was this a drug?

In the third place, was it adulterated within the meaning of this Act. The definition of adulteration is, you will recall, if when a drug is sold under and by a name recognized in the United States Pharmacopœia or National Formulary it differs from the standard of strength, quality or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation. There is your guide for the consideration of this question. Take the statement of the Pharmacopœia, not only in the text, but in the preface, and upon all the evidence in the case find whether this article was adulterated within the meaning of the Act.

The second count relates to misbranding. That count is not complicated by any allegation of sale, so that, under this count, you are to find, first, whether the defendant shipped, introduced, into interstate commerce this article. Then, everything I have said to you in connection with the first count on the question whether the article is a drug applies here, because the defendant is charged with misbranding a drug. Then, as before, in the third place, with respect to this count you are to find whether the article was misbranded. I repeat the definition that the term misbranded, as used herein, shall apply to all drugs, the package or label of which shall bear any statement, design or device regarding said article or ingredients or substances contained therein, which shall be false or misleading in any particular, and to any drug product which is falsely branded as to such territory or country in which it is manufactured and produced; for the purposes of this Act, an article shall also be

deemed to be misbranded, in case of drugs, if it be an imitation of or offered for sale under a name of another article. Here, as under the other count, you are to take the United States Pharmacopœia,—not only the text, but the preface, with such limitation and explanation as it contains, and in the light of that, and all the other evidence, you are to find whether this article was misbranded as specified in the Act.

That is practically all I have to say to you,—to point out just what you have to do. It is for you to do it, on your own responsibility. A good deal has been said in the argument about crime. I must call your attention to a strict rule applicable to all criminal prosecutions, which applies in its full extent to this case. The government must prove its case beyond a reasonable doubt. That is to say, if, after a consideration of all this evidence, you have any reasonable doubt as to any one of the three elements that enter into each of these two counts, the defendant is to have the benefit of that doubt, and it is your duty to return a verdict of not guilty; or, to put it the other way, the government must prove to you beyond reasonable doubt all the elements that I have enumerated under each count—

By Mr. HITCHINGS. I understand, your Honor, that you will mark on my requests—

By the COURT. Yes, I was just looking them over. I don't think there is anything else there that I wish to charge that I have not already charged, although I may not have employed the precise language.

By Mr. HITCHINGS. I understand your Honor will mark on them separately, and I will have the benefit of an exception.

By the COURT. Yes, I will mark each one.

By Mr. HITCHINGS. I have only one request in addition to what your Honor has said. I ask your Honor to charge in the language of section four at the end, after judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

By the COURT. I refuse to charge it. That is something with which the jury has nothing to do.

By Mr. HITCHINGS. Exception.

By the COURT. I have expressly charged you in very general terms, and I shall only add that you are to recollect that there are two counts. The first one for adulteration, the second for misbranding. If you find the defendant not guilty on both counts, of course your verdict will be a general verdict of not guilty. Likewise, if you find the defendant guilty on both counts, your verdict will be a general verdict of guilty. But if you find reason to discriminate between the two counts you will so specify in your verdict. You understand that if you desire any of these exhibits you can call for them, and I will see if they can not be supplied.

Thereupon the jury retired and, after deliberation, returned a verdict of guilty. When the verdict of the jury was announced counsel for defendants moved to set the same aside as contrary to the evidence.

On February 10, 1913, decision having been reserved by the court until that time, the motions to set aside the verdict were denied and sentence was suspended, as will more fully appear from the following decision by the court (Veeder, J.):

Gentlemen, I have considered this case, and I see no reason why the verdict of the jury should be disturbed. I deny the motions to set aside the verdict.

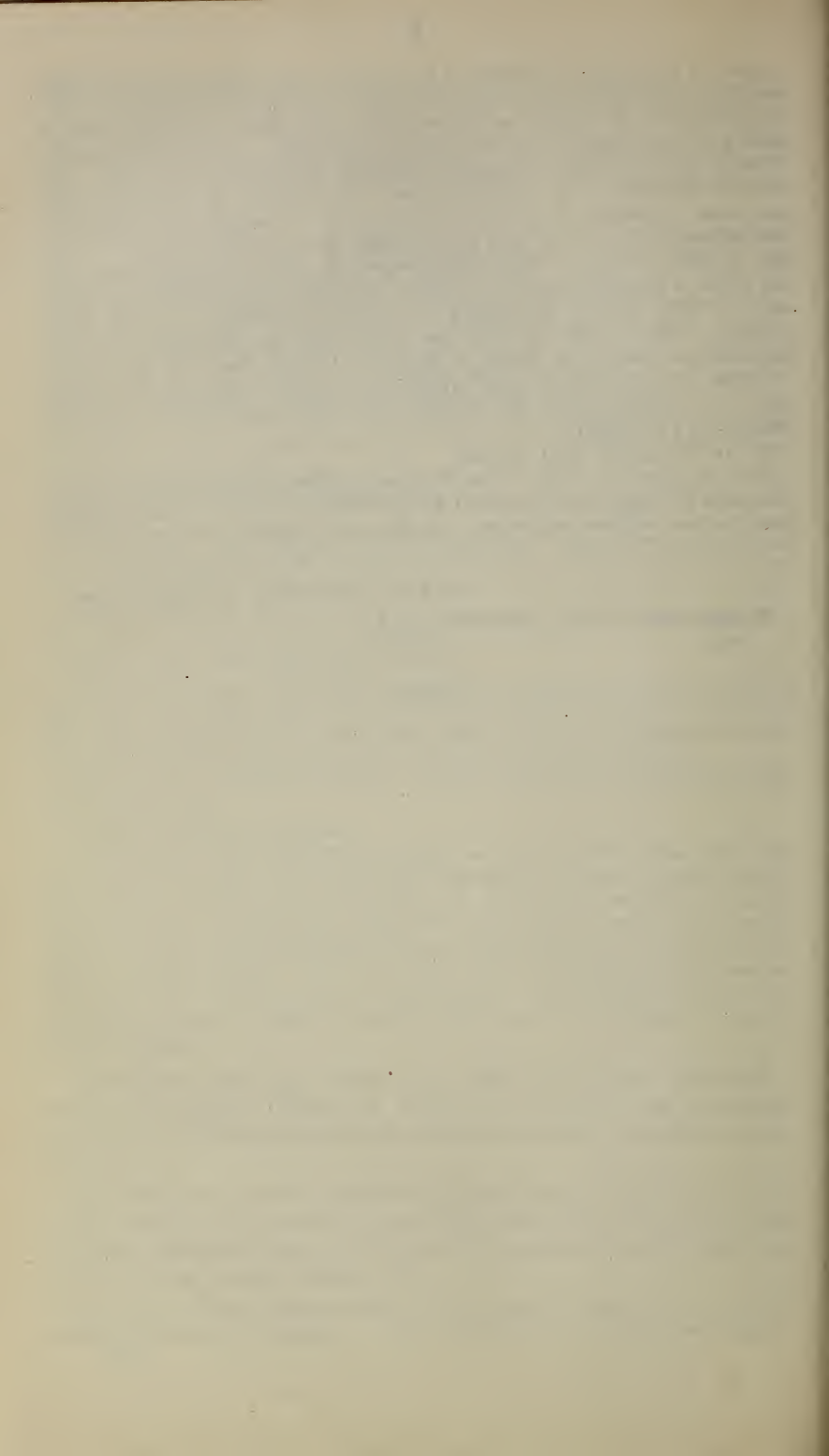
Now, on the matter of sentence, I have this to say. Much was said during the trial of the case about criminality. Now, criminality, in the proper sense of the term, is not involved in a prosecution of this kind. Certainly there is nothing in this particular case involving any criminality. Some of the theories of the defense were not calculated to commend themselves to the Court. But with the testimony of Mr. Hopkins himself—the president of this concern, the man most interested—I was favorably impressed. I think it was frank and straightforward. It shows that he proceeded upon a misapprehension of the law. I think it was an entire misapprehension; but, at the same time, the law is not so perfectly clear that it can be said that it is impossible to misconceive it. This is what the finding in this case amounts to, and no more. Moreover, it was a violation of the law with respect to a drug that is entirely harmless and involves no danger to anybody. I think, therefore, that this is a matter of principle with the government, not a matter that calls for punishment. I understand that this is the third prosecution for this particular offense, am I not right?

By Mr. HITCHINGS. That is right.

Now the expense involved to the defendant in the defense of these prosecutions goes far beyond any fine that I am permitted by statute to impose, and in itself involves sufficient punishment. In this case, therefore, I suspend sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 20, 1913.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2437.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 443 cans Frozen Egg Product. Judgment of the Circuit Court of Appeals for the Third District reversed by the Supreme Court of the United States with instructions to dismiss the appeal for want of jurisdiction.

ALLEGED ADULTERATION OF FROZEN EGG PRODUCT.

At the October, 1912, term of the Supreme Court of the United States, counsel for claimant in the case of the United States v. 443 cans of Frozen Egg Product took an appeal from and sued out a writ of error from the decision of the Circuit Court of Appeals for the Third Circuit, rendered February 20, 1912, in said case, reversing a decree of the District Court of the United States for the District of New Jersey, dismissing a libel against said product.

On December 2, 1912, the Supreme Court of the United States reversed the judgment of the Circuit Court of Appeals and remanded the case to that court with instructions to dismiss the appeal for want of jurisdiction, as will more fully appear from the following opinion delivered by Mr. Justice Day of the Supreme Court.

This case is here on both writ of error to and appeal from a decree of the Circuit Court of Appeals for the Third Circuit, reversing the judgment of the United States District Court for the District of New Jersey dismissing a libel brought by the United States which had for its object the condemnation of 443 cans of frozen egg product seized under the Pure Food Act of June 30, 1906 (34 Stat., 768).

The United States filed its libel alleging that 443 cans of frozen egg product, in the possession of the Merchants' Refrigerating Co., at Jersey City, New Jersey, consisted in whole or in part of a "filthy, decomposed, and putrid animal, to wit, egg substance," and praying for their condemnation. At the trial the issues were narrowed so as to exclude filthy and putrid substances, leaving the charge to stand as to decomposed substance. Three hundred and forty-two cans were seized. The H. J. Keith Co. appeared and claimed the goods, denying the charges concerning them. The case was tried without a jury to the dis-

strict judge, who entered a decree dismissing the libel. The United States took an appeal to the circuit court of appeals, and, after consideration in that court, the decree dismissing the libel was reversed and, upon the facts, a decree of condemnation in favor of the Government was entered. (193 Fed. Rep., 589.) The claimant, the H. J. Keith Co., thereupon appealed to this court, and also sued out this writ of error to the same decree.

We are met at the outset with a question of jurisdiction. Section 10 of the Pure Food Act provides:

"That any article of food * * * that is adulterated or misbranded within the meaning of this act, and is being transported from one State * * * to another for sale, * * * shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. * * * The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States."

It will be observed that the last sentence of the section provides that "the proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States." The contention of the Government upon this question of jurisdiction is that the words, "conform, as near as may be, to the proceedings in admiralty," mean, except in cases where jury trial is demanded, to include appellate proceedings, as well as original proceedings in the district court, and therefore the review of the judgments of the district court would be by appeal to the circuit court of appeals, as in admiralty cases under the circuit court of appeals act (26 Stat., 826), and under the judicial code (36 Stat., 1087, 1133, sec. 128). If that is a proper construction of the statute, then the circuit court of appeals had the right to review the case upon the facts and enter a final decree, which, under the circuit court of appeals act and judicial code, would be reviewable here only upon writ of certiorari.

The appellant, also plaintiff in error, contends that the seizure being upon land, the proceeding was at law and reviewable only upon writ of error in the circuit court of appeals; that the attempted appeal did not give the circuit court of appeals jurisdiction, and that upon the writ of error here this court should reverse the judgment and remand the case to that court with directions to dismiss the appeal.

The determination of this controversy requires some examination of previous legislation and of the decisions of this court interpreting such legislation as to the nature and extent of the jurisdiction of the district courts of the United States in seizure cases.

The judiciary act of 1789 (1 Stat., 76, sec. 9) gave to the district courts:

"Exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made, on waters which are navigable from the sea by vessels of 10 or more tons burthen, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it; and * * * also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid, made, and of all suits for penalties and forfeitures incurred, under the laws of the United States."

In the case of *The Sarah* (8 Wheat., 391), a libel was filed against 422 casks of wine alleging a forfeiture by false entry. It appearing in the course of the trial that the seizure was made on land, it was held that this court could not review the case save upon writ of error. Chief Justice Marshall, delivering the opinion of the court, said (p. 394) :

"By the act constituting the judicial system of the United States, the district courts are courts both of common law and admiralty jurisdiction. In the trial of all cases of seizure, on land, the court sits as a court of common law. In cases of seizure made on waters navigable by vessels of 10 tons burthen and upwards, the court sits as a court of admiralty. In all cases at common law, the trial must be by jury. In cases of admiralty and maritime jurisdiction, it has been settled, in the cases of *The Vengeance* (reported in 3 Dallas' Rep., 297) ; *The Sally* (in 2 Cranch's Rep., 406) ; and *The Betsey and Charlotte* (in 4 Cranch's Rep., 433), that the trial is to be by the court."

Although the two jurisdictions are vested in the same tribunal, they are as distinct from each other as if they were vested in different tribunals, and can no more be blended than a court of chancery with a court of common law.

A statute, practically the same, with some slight changes, was embodied in section 563 of the Revised Statutes, subdivision 8, giving the district courts jurisdiction "of all civil causes of admiralty and maritime jurisdiction * * * and of all seizures on land and on waters not within admiralty and maritime jurisdiction," the subdivision mentioned omitting the provision found in the section of the judiciary act of 1789 to which we have referred as to seizures "within their respective districts," and including cases of "seizures on land and on waters not within admiralty and maritime jurisdiction." Under this statute it has been uniformly held that the district court as to seizures on land proceeds as a court of common law with trial by jury and not as a court of admiralty. (*United States v. Winchester*, 99 U. S., 372.)

Questions analogous to the one here came before this court in construing the confiscation acts enacted in 1861 and 1862. This court, in *Union Insurance Co. v. United States* (6 Wall., 759), construed the act of Congress of August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes." That act provided for the seizure of such property and its condemnation in the district or circuit court having jurisdiction of the amount, or in admiralty in any district in which the property might be seized, and authorized the Attorney General to institute proceedings of condemnation. In that case it was held that in the condemnation of real estate or property on land the proceedings were to be shaped in general conformity to the practice in admiralty, but in respect to trial by jury and exceptions to evidence the proceedings should conform to the course of proceeding by information on the common-law side of the court. It was held that where proceedings for the forfeiture of real estate were had in conformity with the practice in courts of admiralty they could not be reviewed in this court by appeal, and that the case could come here only for the purpose of reversing the decree and directing a new trial.

In the case of *Morris's Cotton* (8 Wall., 507), this court had under consideration the acts of 1861 and of July 17, 1862, which act provided (12 Stat., 589, 591, sec. 7) for the institution of proceedings in the name of the United States in any district court, etc., where the property might be found, etc., "which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases." In the *Morris* case it was said :

"Where the seizure is made on navigable waters, within the ninth section of the judiciary act, the case belongs to the instance side of the district court, but

where the seizure was made on land, the suit, though in the form of a libel of information, is an action at common law, and the claimants are entitled to trial by jury.

"Seizures, when made on waters which are navigable from the sea by vessels of 10 or more tons burden, are exclusively cognizable in the district courts, subject to appeal, as provided by law; but all seizures on land or on waters not navigable, and all suits instituted to recover penalties and forfeitures incurred, except for seizures on navigable waters, must be prosecuted as other common-law suits, and can only be removed into this court by writ of error."

This jurisdiction of the district court was known to Congress at the time it passed the Pure Food Act, as were the decisions of this court construing the former acts of Congress, and it declared that such proceedings shall conform to those in admiralty, as near as may be, giving to either party, however, the right to demand a trial by jury in case of issues of fact joined. We think this act must be held to have been passed not to confer a new jurisdiction upon the district court, but in recognition of the jurisdiction already created in seizures upon land and water. The act makes no reference, in conforming the proceedings as near as may be to those in admiralty, to appellate procedure. It leaves that to be determined by the nature of the case and the statutes already in force. It is true that the right of trial by jury is preserved, where demanded by either party. We think Congress inserted this provision with a view to removing any question as to the constitutionality of the act. It was held under the confiscation acts, although no such specific provision is contained, that the action provided was one at common law, with a right to trial by jury. The seventh amendment to the Constitution preserves the right of trial by jury in suits at common law involving more than \$20, and provides that no fact tried by a jury shall be reviewed otherwise than according to the rules of the common law. Having in mind these provisions and as well the construction of the previous acts, we think it was the purpose of Congress to leave no doubt as to the right of trial by jury in the law proceeding for condemnation which the act intended to provide.

These proceedings for the seizure and condemnation of property which is impure or adulterated are intended to be in a sense summary, and yet the statute as we have construed it gives the owner a right to a hearing in a court of record with a right of review upon questions of law by writ of error in the circuit court of appeals, and, where more than \$1,000 is involved, finally in this court (sec. 6 of the circuit court of appeals act). It is to be noted in this connection that where the examination of specimens of food or drugs made by the Department of Agriculture shows that the articles are adulterated or misbranded, the parties from whom the specimens were obtained are (sec. 4 of the act) given a hearing before the matter is certified to the district attorney by the Secretary of Agriculture.

We do not think it was intended to liken the proceedings to those in admiralty beyond the seizure of the property by process *in rem*, then giving the case the character of a law action, with trial by jury if demanded and with the review already obtaining in actions at law. It is true that, if the action is tried in the district court without a jury, the circuit court of appeals is limited to a consideration of such questions of law as may have been presented by the record proper, independently of the special finding. *Campbell v. United States* (224 U. S., 99). But the party on jury trial may reserve his exceptions, take a bill of exceptions, and have a review upon writ of error in the manner we have pointed out.

It is insisted for the Government that inasmuch as the hearing in the circuit court of appeals upon appeal was without objection by the claimant, the jurisdictional objection was waived. We can not take that view. As we construe the statute, the circuit court of appeals had no jurisdiction upon the appeal, and neither the action of the court nor the consent of the parties could give it. (*Leo Lung On v. United States*, 159 Fed. Rep., 125; *Jones v. La Vallette*, 5 Wall., 579; *United States v. Emholt*, 105 U. S., 414; *Perez v. Fernandez*, 202 U. S., 80, 100.)

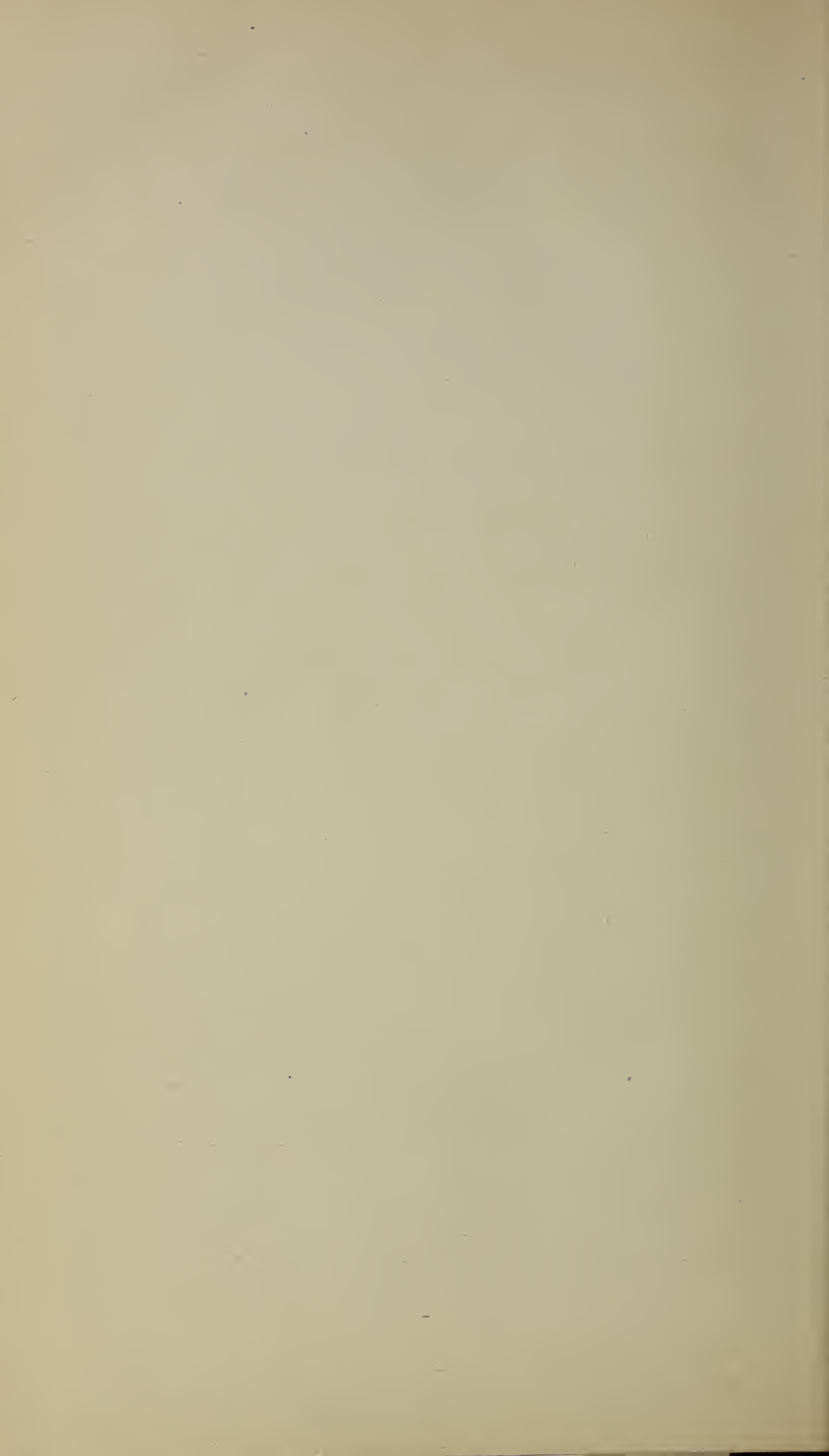
As the circuit court of appeals, in our opinion, proceeded without jurisdiction by reason of the appeal, this court, having acquired jurisdiction, should reverse the judgment of the circuit court of appeals and remand the case to that court with instructions to dismiss the appeal for want of jurisdiction. (*Union & Planters' Bank v. Memphis*, 189 U. S., 71.)

Judgment accordingly.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 20, 1913.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2438.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Peek & Velsor. Plea of guilty. Sentence suspended.

ADULTERATION OF COLOCYNTH APPLES.

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph A. Velsor and Joseph H. Velsor, associated together and doing business under the firm name and style of Peek & Velsor, New York, N. Y., alleging the shipment by said defendants, on October 8, 1909, from the State of New York into the State of California, of a quantity of a product called Colocynth Apples which was adulterated and misbranded. The product was labeled: "Colocynth Apples, Peek & Velsor, New York. Poison. U. S. serial No. 2092. Guaranteed under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Ash, 5.43 per cent; petroleum ether extract, 6.61 per cent. Microscopical examination showed that the product contained colocynth seeds. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, colocynth, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that said Pharmacopœia provided as a test for colocynth that it should be peeled dried fruit of *Citrullus colocynthis* Schrader, and that the seeds should be separated and rejected, whereas, in truth and in fact, the product contained seeds.

On February 3, 1913, the defendants entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 19, 1913.

Issued July 12, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2439.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Jesse Eardly. Trial by jury. Verdict of guilty. Fine, \$25 and costs.

ADULTERATION OF MILK.

On August 8, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jesse Eardly, Worden, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 12, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 90,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 2) 90,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000,000 *B. coli* group; 10,000,000 streptococci. (Sample No. 3) 120,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000,000 *B. coli* group; 10,000,000 streptococci. (Sample No. 4) 20,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 100 streptococci. (Sample No. 5) 22,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 *B. coli* group; 1,000,000 streptococci. (Sample No. 6) 30,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000 *B. coli* group; 100,000 streptococci. (Sample No. 7) 17,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 1,000,000 gas-producing organisms; 1,000,000 streptococci. Adultera-

tion of the product was alleged in the information for the reason that it was composed in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1913, the case having come on for trial before the court and a jury, a verdict of guilty was returned by the jury and the court, on February 3, 1913, imposed a fine of \$25 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1913.*

2439

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2440.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Henry W. Diechaus. Tried to a jury. Verdict, guilty. Fine, \$25 and costs.

ADULTERATION OF MILK.

On August 8, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry W. Diechaus, Worden, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 12, 1911, from the State of Illinois into the State of Missouri, of a quantity of milk which was adulterated. The product bore no label.

Bacteriological examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) 90,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group. (Sample No. 2) 13,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 100,000 *B. coli* group; 10,000 streptococci. (Sample No. 3) 16,000,000 bacteria per cc, plain agar, after 2 days at 37° C.; 10,000 gas-producing organisms; 100,000 streptococci. Adulteration of the product was alleged in the information for the reason that it was composed in part of a filthy, decomposed, and putrid animal substance, and for the further reason that water had been mixed and packed with it, which reduced and lowered its strength and quality.

On January 30, 1913, the case having come on for trial before the court and a jury, the jury returned a verdict of guilty on the first count of the information, which charged that the product was com-

posed in part of a filthy, decomposed, and putrid animal substance, and a verdict of not guilty as to the second count, which charged that the product was adulterated in that water had been mixed and packed with it, and the court, on February 3, 1913, imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2440



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2441.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 17 Boxes of Cheese. Decree of condemnation by default. Product ordered sold.

MISBRANDING OF CHEESE.

On May 31, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 boxes, each containing one cheese, remaining unsold in the original unbroken packages and in possession of the Kentucky Grocery Co. (Inc.), Louisville, Ky., alleging that the product had been shipped on May 20, 1912, by J. F. Rappel & Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Wisconsin Full Cream Cheese Pioneer Whole Milk Made expressly for Kentucky Gro. Co., Louisville, Ky. J. F. Rappel & Co., Sole Manufacturers and Distributors, Manitowoc, Wis., Distributors of Daisies, Twins, and Singles, Long Horns, Young-Americans, Squares, all Styles.", and each box also bore a penciled figure, indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that upon each of the boxes there was a penciled number in arabic numerals, which was intended by the manufacturer and shipper of the product to indicate the net weight in pounds of the cheese contained in the packages, and it was the custom of the trade in cheese in the United States to so mark the net weight of cheeses shipped in interstate and intrastate commerce by the use of arabic numerals

alone, and such numerals so appearing without any word or symbol to indicate the words "pounds," were and still are understood by and among the cheese trade of the United States to indicate the net weight in pounds of the cheese contained in such packages, and the product was billed and invoiced at the net weights respectively, as aforesaid indicated in pounds by said penciled numbers upon the original packages respectively, whereas, in truth and in fact, the actual net weight of the cheese contained in each of the original packages was less than the weight as aforesaid indicated upon the outside of the packages by the use of said arabic numerals.

On October 14, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal. On February 5, 1913, an amended order of sale was entered in the case, authorizing the sale of the product, after advertisement, at public auction to the highest bidder.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2441



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2442.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 75 Cases Tomato Pulp. Decree of condemnation by default. Product ordered destroyed.

ADULTERATION AND MISBRANDING OF TOMATO PULP.

On June 7, 1912, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of canned tomato pulp remaining unsold in the original unbroken packages and in possession of the Larson Bros. Wholesale Grocery Co. (Inc.), Kansas City, Kans., alleging that the product had been shipped on or about November 6, 1911, by D. E. Foote & Co., Baltimore, Md., and transported from the State of Maryland into the State of Kansas and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Doz. No. Foote's Best Tomato Pulp. D. E. Foote & Co., Inc. Baltimore, Md." (On cans) "Foote's Best Condensed Tomato Pulp for Soup. Packed by D. E. Foote & Co., Incorporated, Baltimore, Md. Established 1870. made from trimmings and small tomatoes." (Label also bears the picture of a large red ripe tomato.)

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, or putrid vegetable substances. Misbranding was alleged for the reason that the quotations, wording, and design on the label upon each of the cans of the product conveyed the impression that it was manufactured from superior stock and was of first quality when, in truth and in fact, each of the cans contained excessive amounts of molds, yeasts,

and spores and other bacterial organisms, and said label was calculated to mislead and deceive the purchaser and was therefore false and misleading.

On February 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2442



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2443.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Baker-Wheeler Manufacturing Co. Plea of guilty. Fine, \$100 and costs.

MISBRANDING OF "FRECKELEATER."

On August 27, 1912, the United States Attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Baker-Wheeler Manufacturing Co., a corporation, Dallas, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on September 21, 1911, from the State of Texas into the State of Missouri, of a quantity of a preparation called "Freckeleater" which was misbranded. The product was labeled: "Freckeleater. Trade mark registered. For the complexion. Made only by the Freckeleater Co., Dallas, Tex. Price 50¢ . . . This preparation contains no grease. It will not cause the growth of hair on the face. Every box guaranteed. It is not a cosmetic, but the only known, harmless, pleasant and absolutely sure and infallible cure for all imperfections of the skin, . . ."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it consisted of a pasty, greaseless vehicle having the odor of lavender and carrying in suspension bismuth subnitrate (approximately 5.5 per cent) and ammoniated mercury (approximately 4 per cent). Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which label was untrue and said product was misbranded in that the brands and labels aforesaid were false and misleading in that the product was not harmless in that it contained more than 8 per cent of ammoniated mercury,¹ a harmful ingredient to the human skin and a poison, and the product was further misbranded in that the statement "Harmless" on the label was false and mis-

¹ It will be noted that while the information recited that the product contained more than 8 per cent of ammoniated mercury, analysis showed that it contained about 4 per cent of this ingredient.

leading in that it would mislead and deceive the purchaser into the belief that the product was not composed of or did not contain harmful ingredients, when as a matter of fact it contained as aforesaid ammoniated mercury, which is a harmful ingredient.

On January 27, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$100 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2443



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2444.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. George D. Asquith. Plea of guilty. Fine, \$10.

ADULTERATION AND MISBRANDING OF TINCTURE OF IODINE.

On February 1, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against George D. Asquith, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on June 20, 1912, of a quantity of tincture of iodine which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: (On bottle) "Tinct. Iodine.—Poison! Antidote—Starch water administered freely. Geo. D. Asquith, Pharmacist, 1818 14th St. N. W., Washington, D. C. (Skull and cross bones) (Monogram) GDA."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 3.42; potassium iodide per 100 cc, only a trace; alcohol (per cent by volume), 93.5. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of investigation and said drug differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia official at the time of investigation. Misbranding was alleged for the reason that the product was labeled so as to deceive and mislead the purchaser, in that the label on the bottle bore the words and phrase "Tincture of Iodine," meaning and importing to the

purchaser thereof that it was a tincture of iodine conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not. Misbranding was alleged for the further reason that the product did not bear on the label thereof a statement of the quantity and proportion of alcohol contained therein.

On February 1, 1913, defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2444

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2445.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. William Richman. Plea of non vult. Fine, \$100.

ADULTERATION AND MISBRANDING OF CONDENSED MILK.

On December 9, 1912, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Richman, Sharptown, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 27, 1912, from the State of New Jersey into the State of Pennsylvania of a quantity of condensed milk which was adulterated and misbranded. The product was labeled: "Rush! Perishable! For Crane Ice Cream & Baking Co. 23rd St. below Locust, Phila. From Bell Phone 9x Woodstown Rural Phone 37w Woodstown William Richman Manufacturer and Shipper Pure Dairy Products Fresh Cream, Milk, Evaporated Milk and Sugared Condensed Milk Shipping Station, Woodstown, N. J. Sharpstown, N. J. 5 cond. June 27, 1912. This can contains 46½ quarts tag must be left on can Return empties promptly."

Analyses of samples of the product by the Bureau of Chemistry of this Department showed the following results:

	Sample No. 1.	Sample No. 2.	Sample No. 3.
Water-----per cent--	69.85	70.43	70.80
Fat-----do-----	2.45	2.04	2.18
Proteins-----do-----	10.14	10.17	9.76
Lactose, by difference-----do-----	15.05	15.22	15.06
Ash-----do-----	2.51	2.14	2.20
	<hr/> 100.00	<hr/> 100.00	<hr/> 100.00
Total solids-----do-----	30.15	29.57	29.20
Fat in solids-----do-----	8.13	6.89	7.46
Ratio of proteins to fat-----	1: 0.24	1: 0.20	1: 0.22

The foregoing analyses proved the product to be condensed skimmed milk. Adulteration of the product was alleged in the information for the reason that it consisted of milk from which a valuable constituent, to wit, butter fat, had been in part removed. Misbranding was alleged for the reason that the statement "5 cond." contained on the label was false and misleading and calculated to deceive and mislead the purchaser thereof in that said statement indicated that the product was condensed milk, when, in truth and in fact, it was not condensed milk but was condensed skimmed milk.

On January 13, 1913, the defendant entered a plea of non vult and the court imposed a fine of \$100.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2445



Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2446.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 125 Barrels of Salt. Decree of condemnation by consent. Product released on bond.

MISBRANDING OF SALT.

On November 2, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 barrels of salt remaining unsold in the original unbroken packages and in possession of Dickinson Bros., Glasgow, Ky., alleging that the product had been shipped on or about October 22, 1912, by the Liverpool Salt & Coal Co., Hartford City, W. Va., and transported from the State of West Virginia into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. Fifteen barrels of the product were labeled: "Salt—280." One hundred and ten barrels were labeled: "Salt—7BU."

Misbranding of the product was alleged in the libel for the reason that the arabic numerals, to wit, 280, upon each of the 15 barrels branded as aforesaid were intended by the manufacturer and understood by the public generally and the trade to indicate that the net weight in pounds of the salt contained in each of the barrels was 280 pounds avoirdupois and it was and is the custom of the trade in salt in the United States to mark the net weight of salt shipped in interstate and intrastate commerce either by the use of arabic numerals alone without the word or symbol to indicate the word "pounds" or mark the net weight of salt so shipped in arabic numerals followed by the word "bushels" or the letters "bu," and when the weight was so marked in arabic numerals alone, such

numerals were understood among the salt trade and the public generally to indicate the net weight in pounds of the salt contained in such packages, and when the net weight was so marked by arabic numerals followed by the word "bushels" or by the letters "bu," as an abbreviation of "bushel," such numerals and letters were understood by and among the salt trade and generally in the United States to indicate the net weight of the salt contained in said packages in bushels of 50 pounds avoirdupois to each bushel so indicated by the arabic numeral preceding the word "bushel" or the abbreviation thereof "bu," and the product was billed and invoiced at the net weight as indicated above upon the 15 barrels in pounds by arabic numerals alone upon such original packages, respectively, and at the net weights respectively as aforesaid indicated upon the 110 barrels in pounds by said arabic numerals followed by the letters "bu," indicating bushels of 50 pounds each, whereas, in fact and in truth, the actual net weight of the salt contained in each of the 15 barrels was less than the weight indicated by said brand by the use of the arabic numerals alone, that is to say, the net weight of each of the 15 barrels branded with the arabic numerals "280" was much less than the mark so indicated, to wit, 32 pounds less, and, in fact and in truth, the actual net weight of the salt contained in each of the 110 barrels marked with the numerals and letters "7—bu" was much less than the weight indicated upon the outside of said barrels, to wit, 26 pounds less weight of salt in each of the 110 barrels.

On January 29, 1913, the said Liverpool Salt & Coal Co. having filed its claim, given bond for costs, and consented to the submission of the case to the court, judgment of condemnation and forfeiture was entered, and it was further ordered that the property should be delivered to said claimant upon payment of the costs of the proceeding, amounting to \$26.83, and the execution of bond in the sum of \$200 in conformity with section 10 of the Act.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2447.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 15 Cases of Wine. Decree of condemnation by default. Product ordered destroyed.

ADULTERATION AND MISBRANDING OF SCUPPERNONG WINE.

On December 18, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in the possession of Samuel Epstein, St. Louis, Mo., alleging that the product had been shipped on or about October 18, 1912, from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ohio Scuppernong Wine, 12 Bottles." (On bottles) "Golden Eagle (design of eagle) Ohio"; "Ohio Golden Eagle (design of eagle) Scuppernong Wine The A. Schmidt, Jr. and Bros. Wine Co., Sandusky, Ohio."

Adulteration of the product was alleged in the libel for the reason that it was not scuppernong wine, as the labels stated and indicated, but, on the contrary, a substance consisting wholly or in part of a mixture of other wines, which had been sweetened, flavored, and mixed in imitation of scuppernong wine, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further, in that a certain substance, consisting wholly or in large part of a mixture of other wines, which had been sweetened, flavored, and mixed in imitation of scuppernong wine, had been substituted wholly or in part for scuppernong

wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture of other wines which had been sweetened, flavored, and mixed in imitation of scuppernong wine, and contained practically no scuppernong wine, and further said product was an imitation of and offered for sale under the distinctive name of another article, to wit, scuppernong wine, and further, in that the labels on the bottles, to wit, "Scuppernong Wine," would deceive and mislead the purchaser thereof into the belief that the product was scuppernong wine, whereas, in truth and in fact, it was not so, but was a mixture of other wines, and further in that the labels on the bottles, to wit, "Scuppernong Wine," were descriptive of the substances contained in the bottles, and were false and misleading, in that the product was not scuppernong wine.

On February 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product had been shipped in interstate commerce by the A. Schmidt, Jr., & Bros. Wine Co., Sandusky, Ohio. It was ordered by the court that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2448.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 5 Cases of Orangeade. Decree of condemnation by consent. Product released on bond.

ADULTERATION AND MISBRANDING OF ORANGEADE.

On December 27, 1912, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five cases of bottled orangeade remaining unsold in the original unbroken packages and in possession of Barrett & Barrett, a corporation, St. Paul, Minn., alleging that the product had been shipped on August 17, 1912, by the Francis Cropper Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Orangeade—Sole Producers The Francis Cropper Co., Chicago." (On shipping tag tacked to case) "For Barrett & Barrett, St. Paul, Minn.—From the Francis Cropper Co., Cased Liquors. Originators and sole producers of many specialties, 59 Michigan Street West, Chicago." (On bottles) "Orangeade (design, picture of orange)—Sole Producers The Francis Cropper Co., Chicago—Guaranteed under Food and Drugs Act, June 30, 1906.—Artificially colored." (On neck label) "Orangeade—To Serve, one part of the product to six or seven of seltzer, mineral, or plain water with ice Stir."

Adulteration of the product was alleged in the libel for the reason that the name "Orangeade" indicated that it consisted of orange juice, when, in truth and in fact, a substance, consisting of a solution of invert sugar and tartaric acid, which had been flavored

with orange oil and colored in such manner as to imitate natural orange product, had been substituted for genuine orangeade. Misbranding was alleged for the reason that the product, which was a solution of invert sugar and tartaric acid which had been flavored with orange oil and colored in such manner as to imitate natural orange product, was an imitation of and offered for sale under the distinctive name of another article, to wit, genuine orangeade consisting of the natural juice of oranges. Misbranding was alleged for the further reason that by the name "Orangeade" the product was represented and purported to be a natural orangeade product, whereas, in truth and in fact, it consisted of an artificial and imitation product which had been substituted for orangeade, thereby deceiving and misleading the purchaser thereof, and for the further reason that the label and brand on the bottles of the product bore the statement "Orangeade" and a pictorial design of an orange, which said statement and design were false and misleading, in that by said statement and design the product was represented and purported to be genuine orangeade consisting of the natural juice of oranges, when, in truth and in fact, it consisted of a solution of invert sugar and tartaric acid which had been flavored with orange oil and colored in such manner as to imitate natural orange product.

On February 2, 1913, the said Francis Cropper Co. having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said claimant upon payment of all costs of the proceedings, amounting to \$16.02, and the execution of bond in the sum of \$50 in conformity with section 10 of the Act.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2449.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 15 Cases of Brandy. Decree of condemnation by consent. Product released on bond.

MISBRANDING OF BRANDY.

On January 8 and January 13, 1913, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 cases, each containing 12 bottles of brandy, remaining unsold in the original packages, 10 cases of which were in possession of Barrett & Barrett, a corporation, St. Paul, Minn., and 5 cases of which were in possession of W. A. Bergen & Co., St. Paul, Minn., alleging that the 10 cases of the product had been shipped on November 26, 1912, and the 5 cases on December 16, 1912, by the Francis Cropper Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The 10 cases of the product were labeled: "1 Doz. Fives.—A. Blanchard Fils & Cie Brand Brandy—70360—Soo Line—St. Paul—11-29. Barrett & Barrett, St. Paul, Minn." The bottles in the cases were labeled: "BSB—Blanchard Sons Brand Cognac Type Brandy—Compound—Guaranteed by The Francis Cropper Co., Chicago, under the Food and Drugs Act, June 30, 1906." The 5 cases were labeled: "1 Doz. Fives—A. Blanchard Fils & Cie Brand Brandy—8708—C. M. & St. P.—St. Paul—12-17-12. W. A. Bergen, St. Paul, Minn.," and the bottles in the 5 cases were labeled: "BSB—Blanchard Sons Brand Cognac Type Brandy—Compound—Guaranteed by The Francis Cropper Co., Chicago, under the Food and Drugs Act, June 30, 1906 —" On crescent shaped label on neck of all bottles was a pictorial device representing three bunches of grapes, and the bottle was partially encased in network of raffia.

Misbranding of the product was alleged in the libels for the reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, genuine cognac or brandy, and was further misbranded by reason of the fact that it was labeled and branded so as to deceive and mislead the purchaser by purporting to be genuine cognac or brandy, when, in truth and in fact, it consisted largely of neutral spirits derived from sources other than grapes, which neutral spirits had been artificially colored, flavored, and prepared so as to imitate genuine cognac or brandy, the impression created by the general physical appearance of the retail units and resulting from the wording of said labels and brands not being corrected by the words "Type" and "Compound" which appeared on the labels and brands inconspicuously as compared with the words "Cognac" and "Brandy," and the product was further misbranded in that by the words "A. Blanchard Fils and Cie" appearing on the labels and brands on the cases, combined with the general appearance of imported goods given to the retail units by the network of raffia partially covering the bottles, the said product purported to be a foreign product when such was not the case, and it was further misbranded in that the pictorial device representing three bunches of grapes and the statements "Cognac" and "Brandy" appearing on the labels were false and misleading in that by said pictorial device and statements the product was represented and purported to be genuine cognac or brandy which had been produced from grapes, when, in truth and in fact, it consisted largely of neutral spirits derived from sources other than grapes, which neutral spirits had been artificially colored, flavored, and prepared so as to imitate genuine cognac or brandy.

On January 31, 1913, the said Francis Cropper Co., claimant, having consented to the rendition of decrees, judgments of condemnation and forfeiture were entered, and it was further ordered that the product should be released and delivered to said claimant upon payment of all costs of the proceedings, amounting to \$32.04, and the execution of bond in the sum of \$100, in conformity with section 10 of the Act.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2450.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 1 Barrel of Turpentine. Decree of condemnation by default.
Goods destroyed.**

MISBRANDING OF TURPENTINE.

On or about January 9, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of turpentine remaining unsold in the original unbroken package and in possession of D. H. McIlvain, New York, N. Y., alleging that the product had been shipped on or about December 1, 1912, by the Southern States Turpentine Co., Cleveland, Ohio, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Southern States Turpentine Co. Pure Spirits Turpentine For Technical purposes only. U. S. A. 206 L. D. H. McIlvain, New York City, N. Y."

Misbranding of the product was alleged in the libel for the reason that it was falsely branded as to its standard of strength and quality, that is to say, it was sold under and by a name recognized in the United States Pharmacopœia, whereas it differed from the standard of strength, quality, and purity as determined by the test laid down in said United States Pharmacopœia official at the time of investigation. Misbranding was alleged for the further reason that the product was falsely branded as to its strength and purity, that is to say, the barrel containing it bore a label which represented the product as pure spirits of turpentine, whereas, in truth and in fact, its strength and purity fell below the standard and quality under which it was sold, the said drug containing at least 21 per cent of mineral

oil which had been mixed and packed with and substituted for said drug. Misbranding was alleged for the further reason that the label on the barrel containing the product was false and misleading, that is to say, the said label represented the product to be pure spirits of turpentine, whereas, in truth and in fact, it contained at least 21 per cent of mineral oil which had been mixed and packed with and substituted for it.

On January 30, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 22, 1913.*

INDEX TO NOTICES OF JUDGMENT 2001 TO 2450.¹

[Arranged under heads: Foods (p. 3); Beverages, including waters and medicated drinks (p. 10); Drugs (p. 11).]

FOODS.

	N. J. No.		N. J. No.
Alfalfa meal:		Blueberries:	
Roswell Wool & Hide Co-----	2364	Loggie, A. & R-----	2255
Almond extract. (See Extract, Almond.)		Bran, Wheat:	
Almond oil, Bitter:		Dunlop Milling Co-----	2387
Dodge & Olcott Co-----	2377	Brownies, Chocolate candy:	
Apple-blackberry preserves:		Hawley & Hoops-----	2353, 2354, 2358
St. Louis Syrup & Preserving Co-----	2398	Hoops, Herman L-----	2353, 2354, 2358
Apple butter:		Hoops, Herman W-----	2353, 2354, 2358
Van Lili, S. J., Co-----	2363	Hoops, William F-----	2353, 2354, 2358
Apple chops:		Buckeye brand cottonseed meal:	
Thompson, Arthur J., Co-----	2126	Buckeye Cotton Oil Co-----	2314
Apple-strawberry preserves:		Butter:	
St. Louis Syrup & Preserving Co-----	2397	Bennington, Raymond-----	2334
Apple vinegar compound:		Carlisle, Charles A-----	2342
Sharp-Elliott Mfg. Co-----	2158	Connecticut Dairy Lunch-----	2323
Apples, Dried:		Curtin, John-----	2323
Bear, Saml., Sr., & Son-----	2370	Fred, Hugh W-----	2368
Payne, H. P., & Bro-----	2369	Hyatt, Clara-----	2339
Wyant, A. K-----	2407	Lincoln Hotel-----	2339
Apricots:		Wilson's Café-----	2368
Emery Food Co-----	2296	Candy bantams:	
Wood & Selick-----	2296	Mason, Au & Magenheimer Confectionery Mfg. Co-----	2118
(Arrowroot) Sunshine Suffolk biscuit:		Candy, Big six 72:	
Loose-Wiles Biscuit Co-----	2053	Close, George, Co-----	2406
Bantams, Candy:		Candy, Chocolate:	
Mason, Au & Magenheimer Confectionery Mfg. Co-----	2118	Hawley & Hoops-----	2357
Beans:		Hoops, Herman L-----	2357
Aylesbury Mercantile Co-----	2177	Hoops, Herman W-----	2357
Moore, A. R-----	2177	Hoops, William F-----	2357
Sterling, W. H-----	2177	Candy, Chocolate brownies:	
United States Canning Co-----	2177	Hawley & Hoops-----	2353, 2354, 2358
Big six 72 (candy):		Hoops, Herman L-----	2353, 2354, 2358
Close, George, Co-----	2406	Hoops, Herman W-----	2353, 2354, 2358
Biscuit (arrowroot), Sunshine Suffolk:		Hoops, William F-----	2353, 2354, 2358
Loose-Wiles Biscuit Co-----	2053	Candy, Chocolate caramel sticks:	
Bitter almond oil:		Johnston, Robert A., Co-----	2084
Dodge & Olcott Co-----	2377	Candy, Chocolate cigarettes:	
Blackberries:		Hawley & Hoops-----	2355
Dunaway, H. E-----	2161	Hoops, Herman L-----	2355
Blackberry-apple preserves:		Hoops, Herman W-----	2355
St. Louis Syrup and Preserving Co-----	2398	Hoops, William F-----	2355
Blood orange extract. (See Extract, Orange, Blood.)		Candy, Chocolate dolls:	
		Hawley & Hoops-----	2356
		Hoops, Herman L-----	2356
		Hoops, Herman W-----	2356
		Hoops, William F-----	2356
		Candy, Chocolate perfecto chocolate perfectione:	
		Wilbur, H. O., & Sons-----	2317

¹ For index of Notices of Judgment 1-1000, see Notice of Judgment 1000; 1001-2000, see Notice of Judgment 2000; future indexes to be supplementary thereto.

FOODS—Continued.

Candy, Chocolate pipes.		N. J. No.	Cherries, Maraschino :		N. J. No.
Hawley & Hoops-----		2358	Dalidet, Geo., & Co-----		2328
Hoops, Herman L-----		2358	Delapenha, R. U., & Co-----		2328
Hoops, Herman W-----		2358	Dubreuil, E., & Fils-----		2392
Hoops, William F-----		2358	Cherry jelly, Wild. (See Jelly,		
Candy, Chocolate segars :			Cherry, Wild.)		
Hawley & Hoops-----		2359, 2360, 2362	Chestnuts :		
Hoops, Herman L-----		2359, 2360, 2362	Moran, E. P-----		2371
Hoops, Herman W-----		2359, 2360, 2362	Chocolate brownies (candy) :		
Hoops, William F-----		2359, 2360, 2362	Hawley & Hoops-----		2353, 2354, 2358
Candy, Chocolate teddy bears :			Hoops, Herman L-----		2353, 2354, 2358
Hawley & Hoops-----		2361	Hoops, Herman W-----		2353, 2354, 2358
Hoops, Herman L-----		2361	Hoops, William F-----		2353, 2354, 2358
Hoops, Herman W-----		2361	Chocolate candy :		
Hoops, William F-----		2361	Hawley & Hoops-----		2357
Candy, Chocolate whistles :			Hoops, Herman L-----		2357
Hawley & Hoops-----		2358	Hoops, Herman W-----		2357
Hoops, Herman L-----		2358	Hoops, William F-----		2357
Hoops, Herman W-----		2358	Chocolate caramel sticks (candy) :		
Hoops, William F-----		2358	Johnston, Robert A., Co-----		2084
Candy cigars :			Chocolate cigarettes (candy) :		
Greenfield's, E., Sons & Co-----		2172	Hawley & Hoops-----		2355
Candy, Coon faces :			Hoops, Herman L-----		2355
Ziegler, George, Co-----		2100	Hoops, Herman W-----		2355
Candy, Ghirardelli's Italian choco-			Hoops, William F-----		2355
lates :			Chocolate dolls (candy) :		
Ghirardelli Co-----		2238	Hawley & Hoops-----		2356
Candy, Honey maples :			Hoops, Herman L-----		2356
Brown, Frank D-----		2055	Hoops, Herman W-----		2356
Sauerston & Brown-----		2055	Hoops, William F-----		2356
Candy, Lukoumia :			Chocolate perfecto chocolate perfec-		
Marcopoulou, A-----		2076	tione (candy) :		
Marcopulos, A-----		2076	Wilbur, H. O., & Sons-----		2317
Candy, Lukum :			Chocolate pipes (candy) :		
Greek Product Importing Co---		2070	Hawley & Hoops-----		2358
Syra Lukum Co-----		2070	Hoops, Herman L-----		2358
Candy, Maple hearts :			Hoops, Herman W-----		2358
Rigney & Co-----		2338	Hoops, William F-----		2358
Candy, Peerless cigars :			Chocolate segars (candy) :		
Ziegler, George, Co-----		2099	Hawley & Hoops-----		2359, 2360, 2362
Candy, Phoenix brand Delmore ma-			Hoops, Herman L-----		2359, 2360, 2362
ples :			Hoops, Herman W-----		2359, 2360, 2362
Reinhart & Newton Co-----		2211	Hoops, William F-----		2359, 2360, 2362
Candy, Phoenix brand maplettes :			Chocolate teddy bears (candy) :		
Reinhart & Newton Co-----		2208	Hawley & Hoops-----		2361
Candy, Pineapple slices :			Hoops, Herman L-----		2361
Reinhart & Newton Co-----		2192	Hoops, Herman W-----		2361
Cane sirup. (See Sirup, Cane.)			Hoops, William F-----		2361
Cassia extract. (See Extract, Cassia.)			Chocolate whistles (candy) :		
Catsup. (See Tomato ketchup.)			Hawley & Hoops-----		2358
Cheese :			Hoops, Herman L-----		2358
Barber, A. H., & Co-----		2432	Hoops, Herman W-----		2358
Crosby & Myers-----		2335	Hoops, William F-----		2358
Goyer Co-----		2432	Chocolates, Ghirardelli's Italian :		
Loeb, Sol., & Co-----		2335	Ghirardelli Co-----		2238
Zucca & Co-----		2057	Chops, Apple :		
Cheese, Cream :			Thompson, Arthur J., Co-----		2126
Rappel, J. F., & Co-----		2441	Cider vinegar. (See Vinegar.)		
Cheese, Cream, Daisy :			Cigarettes, Chocolate (candy) :		
Barber, A. H., & Co-----		2432	Hawley & Hoops-----		2355
Goyer Co-----		2432	Hoops, Herman L-----		2355
Cheese, Cream, Mayflower :			Hoops, Herman W-----		2355
Stevens, S. J., Co-----		2301	Hoops, William F-----		2355
Cherries, Dried :			Cigars, Candy :		
Payne, H. P., & Bro-----		2369	Greenfield's, E., Sons & Co-----		2172

FOODS—Continued.

Cigars, Peerless (candy):	N. J. No.	Eggs:	N. J. No.
Ziegler, George, Co-----	2099	Redman, Nicholas T-----	2247
Cocoanut:		Eggs, Desiccated:	
Dunham Mfg. Co-----	2413	Meyer, H-----	2086
Pacific Cocoanut Co-----	2389	Eggs, Dried:	
Compound jelly. (See Jelly, Com-		Weaver, C. H., & Co-----	2131
pound.)		Eggs, Evaporated:	
Condensed milk. (See Milk, Con-		Kilbourne, L. Bernard_	2105, 2107, 2110
densed.)		Weaver, C. H., & Co--	2105, 2107, 2110
Coon faces (candy):		Eggs, Frozen:	
Ziegler, George, Co-----	2100	Greenwich Egg Co-----	2215
Corn:		Howe, Frank M-----	2385
McManus-Heryer Brokerage Co--	2209	Keith, H. J., Co-----	2437
Corn, Cracked:		Lepman & Heggie-----	2385
Ohio Hay and Grain Co-----	2168	Essence. (See Extract.)	
Scott, S. D., & Co-----	2417	Evaporated eggs. (See Eggs, Evapo-	
Corn, Sugar:		rated.)	
Atlantic Canning Co-----	2134	Evaporated milk. (See Milk, Evapo-	
Corn meal:		rated.)	
Hopper, McGaw & Co-----	2189	Extract, Almond:	
Mountain City Mill Co-----	2418	Royal Remedy & Extract Co--	2143
Syer, C., & Co-----	2419	Extract, Cassia:	
Corn sirup. (See Sirup, Corn.)		Cincinnati Extract Works-----	2241
Corn and oats:		Mayer, Emil I-----	2241
Ohio Hay & Grain Co-----	2168	Extract, Ginger, Jamaica:	
Cottonseed meal:		Bertin & Lepori (Inc.)-----	2386
Buckeye Cotton Oil Co----	2305, 2314	Cincinnati Extract Works-----	2241
Leder Oil Co-----	2305	Crown Distilleries Co-----	2378
Cracked corn. (See Corn, Cracked.)		Mayer, Emil I-----	2241
Cream:		Extract, Jamaica ginger. (See Ex-	
Cline, Philip H-----	2303	tract, Ginger, Jamaica.)	
Cullen, Kurtz E-----	2344	Extract, Lemon:	
Culler, William W-----	2430	American Pure Coffee & Spice	
Dade, Roger L-----	2434	Co-----	2320
King, Elias D-----	2302	Blumenthal Bros-----	2047
Knill, Simon P-----	2372	Cincinnati Extract Works-----	2241
Richardson, Beebe Co-----	2064	Haynor Mfg. Co-----	2103
Southern Milk Condensing Co--	2265	Kelley-Whitney Extract Co-----	2065
Cupid brand salad dressing:		McNeil & Higgins Co-----	2108
Dodson-Braun Mfg. Co-----	2307	Mayer, Emil I-----	2241
National Pickle & Canning Co--	2307	Parker-Browne Co-----	2381
Currant jelly. (See Jelly, Currant.)		Royal Remedy & Extract Co--	2143
Currants:		Serv-us Pure Food Co-----	2320
Caramandani, J., & Co-----	2341	Western Buyers Association---	2248
Kelly, Clarke & Co-----	2341	Extract, Lemon peel:	
Daisy cream cheese. (See Cheese,		Hickok, John N., & Son-----	2135
Cream, Daisy.)		Extract, Nutmeg:	
Delmore maples, Phoenix brand		Cincinnati Extract Works-----	2244
(candy):		Fowler, J. E., Co-----	2112
Reinhart & Newton Co-----	2211	Mayer, Emil I-----	2244
Desiccated eggs. (See Eggs, Desic-		Extract, Orange:	
cated.)		American Products Co-----	2200
Dixie sweet sirup:		Cincinnati Extract Works-----	2243
Dixie Syrup Co. (Inc.)-----	2203	Hickok, John N., & Son-----	2135
Dolls, Chocolate (candy):		Kelley-Whitney Extract Co-----	2065
Hawley & Hoops-----	2356	Mayer, Emil I-----	2243
Hoops, Herman L-----	2356	Mihalovitch, Albert-----	2200
Hoops, Herman W-----	2356	Mihalovitch, Clarence-----	2200
Hoops, William F-----	2356	Royal Remedy & Extract Co--	2143
Dried apples. (See Apples, Dried.)		Extract, Orange, Blood:	
Dried cherries. (See Cherries,		Cincinnati Extract Works-----	2243
Dried.)		Mayer, Emil I-----	2243
Dried eggs. (See Eggs, Dried.)		Extract, Peppermint:	
Drip sirup. (See Sirup.)		American Products Co-----	2146
Drips. (See Sirup.)		Bunch, Alonzo E-----	2298

FOODS—Continued.

Extract, Peppermint—Continued.		N. J. No.	Flat lake fish :		N. J. No.
Mihalovitch, Albert	2146		Maull, Louis, Cheese & Fish Co.	2063	
Mihalovitch, Clarence	2146		Flavor. (See Extract.)		
Stern, Moses R.	2116		Flour :		
Weideman Co.	2094		Anthony Roller Mills	2315	
Extract, Pistachio :			Blanton Milling Co.	2396	
American Products Co.	2146		Galt, William M.	2396	
Cincinnati Extract Works	2241		Majestic Flour Mfg. Co.	2396	
Mayer, Emil I.	2241		Miller, Charles E.	2315	
Mihalovitch, Albert	2146		Shawnee Milling Co.	2240	
Mihalovitch, Clarence	2146		Flour, Graham :		
Extract, Tonka and vanilla :			Allen & Wheeler Co.	2132	
Hudson Mfg. Co.	2340, 2350		Frozen eggs. (See Eggs, Frozen.)		
Extract, Vanilla :			Fruit jelly. (See Jelly, Fruit.)		
American Products Co.	2145		Fruit juice :		
Cincinnati Extract Works	2241		Daggett, F. L., Co.	2071	
Durkee, E. R., & Co.	2237		Gelatin :		
Ferris-Noeth-Stern Co. (Inc.)	2194		Jahn, W. K., Co.	2295	
French, James M.	2237		St. Louis Glue Manufacturing Co.	2062	
Hickok, John N., & Son	2135		Ghirardelli's Italian chocolates :		
Hudson Mfg. Co.	2340		Ghirardelli Co.	2238	
Kelley-Whitney Extract Co.	2065		Ginger extract, Jamaica. (See Extract, Ginger, Jamaica.)		
Mayer, Emil I.	2241		Golden drip syrup, cane flavor :		
Mihalovitch, Albert	2145		Farrell & Co.	2165	
Mihalovitch, Clarence	2145		Graham flour. (See Flour, Graham.)		
Royal Remedy & Extract Co.	2143		Grenadin sirup :		
Steinwender-Stoffregen Coffee Co.	2198		Bettman-Johnson Co.	2201	
Van Duzer Co.	2162		Herring :		
Warner-Jenkinson Co.	2130		Delaware & Atlantic Fishing Co.	2079	
Extract, Vanilla, nonalcoholic :			Maull, Louis, Cheese & Fish Co.	2063	
Nonalcoholic Extract Co.	2308		Pickert, L., Fish Co.	2164	
Extract, Vanilla and tonka :			Honey maples (candy) :		
Hudson Mfg. Co.	2340, 2350		Brown, Frank D.	2055	
Extract, Violet :			Sauerston & Brown	2055	
American Products Co.	2146		Italian chocolates, Ghirardelli's :		
Mihalovitch, Albert	2146		Ghirardelli Co.	2238	
Mihalovitch, Clarence	2146		Jamaica ginger extract. (See Extract, Ginger, Jamaica.)		
Extract, Wintergreen :			Jelly, Cherry, Wild :		
Cincinnati Extract Works	2242		Brault & Des Jardins	2082	
Mayer, Emil I.	2242		Jelly, Compound :		
Fassett's golden drip sirup, cane flavor :			Seattle & Puget Sound Packing Co.	2376	
Farrell & Co.	2165		Jelly, Currant :		
Feeds, Corn and oats :			Seattle & Puget Sound Packing Co.	2376	
Ohio Hay & Grain Co.	2168		Jelly, Fruit :		
Feeds, Cracked corn :			Seattle & Puget Sound Packing Co.	2376	
Ohio Hay & Grain Co.	2168		Jelly, Lemon :		
Feeds, Oats, No. 2 mixed :			Brault & Des Jardins	2082	
City Hay & Grain Co.	2171		Jelly, Orange :		
Feeds, Royal :			Brault & Des Jardins	2082	
Southern Fiber Co.	2114		Jelly, Peach :		
Feeds, Schumacher special horse :			Brault & Des Jardins	2082	
Matthews, George B., & Son	2077		Jelly, Raspberry :		
Quaker Oats Co.	2077		Brault & Des Jardins	2082	
Feeds, Wheat bran :			Jelly, Strawberry :		
Dunlop Milling Co.	2387		Brault & Des Jardins	2082	
Figs :			Jelly, Vanilla :		
Armas Fillipachi & Co.	2157		Brault & Des Jardins	2082	
Ohio Bkg. Co.	2087		Ketchup. (See Tomato ketchup.)		
Virginia Fruit & Produce Co.	2157		Lemon extract. (See Extract, Lemon.)		
Fish :					
Zucca, E.	2427				
Fish. (See also Flat lake fish ; Herring ; Sardines ; White fish ; White lake fish.)					

FOODS—Continued.

Lemon jelly. (<i>See</i> Jelly, Lemon.) N. J. No.		Milk—Continued. N. J. No.	
Lemon oil. (<i>See</i> Oil, Lemon.)		Giesbert, Calvin M.-----	
Lemon peel extract. (<i>See</i> Extract, Lemon peel.)		Gineritaman, Michael-----	
Lukoumia (candy):		Gitlin, Abraham-----	
Marcopoulou, A-----		Gitlin, Samuel-----	
Marcopulos, A-----		Goldstein, Samuel-----	
Lukum (candy):		Grafeman Dairy Co-----	
Greek Product Importing Co---		Grawe, Bernard-----	
Syra Lukum Co-----		Greenberg, Nathan-----	
Malt saccharine:		Grefe, Ernest-----	
Ferris-Noeth-Stern Co. (Inc.) --		Grey, James B-----	
Maple hearts (candy):		Haar, Mrs. Catherine-----	
Rigney & Co-----		Haar, Theodore-----	
Maple sirup. (<i>See</i> Sirup, Maple.)		Hempen, Anton-----	
Maple sugar sirup, Wedding break-		Himmelstein, F-----	
fast cane and:		Huelsman, August-----	
Farrell & Co-----		Huer, H. W-----	
Maples, Honey:		Johnson, R. F-----	
Brown, Frank D-----		Kenyon, C. H-----	
Sauerston & Brown-----		Kierle, Frank-----	
Maples, Phoenix brand Delmore		Kloekner, John-----	
(candy):		Knolhoff, Henry-----	
Reinhart & Newton Co-----		Knolhoff, William-----	
Maplettes, Phoenix brand (candy):		Konaszewski, Katherine-----	
Reinhart & Newton Co-----		Krebs, Caspar-----	
Maraschino cherries. (<i>See</i> Cherries, Maraschino.)		Lamb, William S-----	
Mayflower cream cheese. (<i>See</i> Cheese, Cream, Mayflower.)		Lampe, Frederick-----	
Meal. (<i>See</i> Alfalfa meal; Corn meal; Cottonseed meal.)		Langenhorst, Margaret-----	
Meat sauce and salad dressing:		Larkham, George E-----	
Durkee, E. R., & Co-----		Levine, Jacob-----	
French, James M-----		Litchnik, Harry-----	
Milk:		Luebbers, Ben-----	
Ahlers, Herman-----		Maine, Chester S-----	
Albers, Theodore C-----		Mane, Clem-----	
Appley, Fred J-----		Mane, John-----	
Appley, James L-----		Marburger, Ed. J-----	
Bennett, Albert F-----		Michael, John-----	
Bennett, Earl-----		Minsk, H-----	
Bernstein, Isaac-----		Minsk, J-----	
Boratz, Jake-----		Murray, Patrick-----	
Brown, J. F-----		Nieman, William-----	
Brunn, Henry-----		Orrell, Albert-----	
Budde, Frank-----		Ortman, Frank-----	
Burdick, Walter L-----		Partelo, F. Mason-----	
Burmeister, Henry-----		Popkins, Richard N-----	
Clark, Martin-----		Rattner, Lemuel-----	
Coats, George D-----		Reader, Frederick G-----	
Cornelius, Andrew-----		Reinkensmeyer, Christian-----	
Cornelius, Bernard-----		Richter, B. J-----	
Crandall, C. M-----		Richter, William G-----	
Davis, Harry-----		Roeckenhaus, Henry-----	
Davis, Mrs. Charles-----		Rueter, William-----	
Diechhaus, Henry W-----		St. Louis Dairy Co-----	
Dorsey, Theodore B-----		Schindel, M. S-----	
Eardly, Jesse-----		Schroeder, August-----	
Febus, Steve-----		Schulte, John, Sr-----	
Fischer, Edward H-----		Schweirjohn, Anton-----	
Foote, Roger-----		Sekinsky, Isaac-----	
Fox, Jacob-----		Selzer, L-----	
Frink, John-----		Simpson, William G-----	
Froelke, Edward W-----		Smith, Horace H-----	
Gebke, Ben-----		Soloway, Harry-----	
		Spihlmann, John-----	
		Sprehe, Gerhart-----	
		Sprehe, Mrs. Henry-----	
		Thompson, J. E-----	

FOODS—Continued.

Milk—Continued.		N. J. No.	Oranges, Crushed :		N. J. No.
Timmerman, Herman	2268		Klein, E. L.	2422	
Trame, August	2272		Orange Canning Co.	2422	
Tyler, Charles E.	2092		Oysters :		
Whitehouse, Harm	2415		Beaufort Little Neck Clam Co.	2316	
Wikel, Michael A.	2068		Bryant, John	2249	
Wilson, William I.	2041		Frazer, Alexander, Co.	2382	
Winstein, Samuel	2008		Hayden, E. H.	2113	
Zimmerman, Carl	2277		Howlett, Michael P.	2190	
Zitron, Alter	2219		Lowden, George W., Co.	2095	
Milk, Condensed :			Martin, O.	2327	
Richman, William	2445		Potter, E. H.	2316	
White Hall Condensed Milk Co.	2326		Potter, G. D.	2316	
Milk, Evaporated :			Twilley, William	2111	
Bernstein, Louis	2181		Pancake brand sirup :		
Bernstein, Morris	2181		Bliss Syrup Refining Co.	2085	
Boos, —	2181		Pancake drip :		
Campbell & West	2181		Bliss Syrup Refining Co.	2318	
Conybear, N. G., & Co.	2181		Paprika :		
Meadowbrook Condensed Milk Co.	2142		Farrington & Whitney	2319	
Richardson, Beebe Co.	2064		Frank Tea & Spice Co.	2204	
Mincemeat :			Peach jelly. (See Jelly, Peach.)		
Marvin, W. H., Co.	2069		Peas :		
Molasses :			Kokomo Canning Co.	2074	
Gordon Syrup Co.	2122		Thorndike & Hix	2050	
Native purity pure maple sirup :			Wabash Canning Co.	2175	
Johnson, F. N., Co.	2331, 2333		Peerless cigars (candy) :		
Nutmeg extract. (See Extract, Nutmeg.)			Ziegler, George, Co.	2099	
Nutmegs :			Pepper :		
Farrington & Whitney	2329		Arbuckle Bros.	2078	
Mason, E. A.	2329		Frank, Charles	2098 (suppl. to 835)	
Oats, No. 2 mixed :			Frank, Emil	2098 (suppl. to 835)	
City Hay & Grain Co.	2171		Frank, Jacob	2098 (suppl. to 835)	
Oats and corn :			Jewett Bros. & Jewett	2078	
Ohio Hay & Grain Co.	2168		Peppermint extract. (See Extract, Peppermint.)		
Oil, Bitter almond :			Phoenix brand Delmore maples (candy) :		
Dodge & Olcott Co.	2377		Reinhart & Newton Co.	2211	
Oil, Lemon :			Phoenix brand maplettes (candy) :		
Haberman, Eugene	2337		Reinhart & Newton Co.	2208	
Manhattan Importing Co.	2337		Phoenix confections :		
Oil, Olive. (See Olive oil.)			Reinhart & Newton Co.	2192	
Olive oil :			Pickles, Sweet :		
	2102		Pyles, John T. D.	2324	
De Feo, Mike	2048		Pineapple slices (candy) :		
Derosa, Luigi	2046		Reinhart & Newton Co.	2192	
Fanara, Robert	2160		Pipes, chocolate (candy) :		
Gengaro & Muselli	2159		Hawley & Hoops	2358	
Geremia Bros.	2101		Hoops, Herman L.	2358	
Guzzetto Bros.	2081		Hoops, Herman W.	2358	
Muselli, Cesare	2159		Hoops, William F.	2358	
Pompeian Co.	2121		Pistachio extract. (See Extract, Pistachio.)		
Sclafani Bros.	2393		Plums :		
Orange extract. (See Extract, Orange.)			Oceana Canning Co.	2178	
Orange extract, Blood. (See Extract, Orange, Blood.)			Polar bear brand sirup :		
Orange jelly. (See Jelly, Orange.)			Bliss Syrup Refining Co.	2085	
Oranges :			Preserves, Blackberry-apple :		
Central California Citrus Exchange	2384		St. Louis Syrup & Preserving Co.	2398	
Drake Citrus Association	2384		Preserves, Strawberry-apple :		
Lindsay Fruit Association	2384		St. Louis Syrup & Preserving Co.	2397	
Porterville Citrus Association	2384		Prunes :		
Stewart Fruit Co.	2384		Atlas Preserving Co.	2150	
Tulare County Citrus Exchange	2384				

FOODS—Continued.

Prunes—Continued.		N. J. No.	Sirup, Polar bear brand :		N. J. No.
Kickabush Grocery Co-----		2294	Bliss Syrup Refining Co-----		2085
Merchants & Miners Transportation Co-----		2144	Sirup, Sorghum :		
Pulp, Tomato. (See Tomato pulp.)			Scully, D. B., Syrup Co-----		2080
Raspberries :			Sirup, Squirrel brand table :		
Sanfacon, Florent-----		2223	Hubinger, J. C., Bros. Co-----		2231
Raspberry jelly. (See Jelly, Raspberry.)			Roth, Adam, Grocery Co-----		2231
Rice :			Sirup, Wedding breakfast cane and maple sugar :		
Allen Bros. Co-----		2379	Farrell & Co-----		2205
Talmage, John S., Co. (Ltd.)--		2097	Sirup, Wild forest brand :		
Royal feed :			Johnson, F. N., Co-----		2330
Southern Fiber Co-----		2114	Sorghum sirup. (See Sirup, Sorghum.)		
Saccharine, Malt :			Spinach :		
Ferris-Noeth-Stern Co. (Inc.)--		2195	Farren, J. S., & Co-----		2206
Salad dressing, Cupid brand :			Squirrel brand table syrup :		
Dodson-Braun Manufacturing Co--		2307	Hubinger, J. C., Bros. Co-----		2231
National Pickle & Canning Co--		2307	Roth, Adam, Grocery Co-----		2231
Salad dressing and meat sauce :			Stock feed. (See Feeds.)		
Durkee, E. R., & Co-----		2104	Strawberries, Preserved :		
French, James M-----		2104	Malcolm, J. B., & Co-----		2163
Salmon :			Morey Mercantile Co-----		2163
Pacific American Fisheries Co--		2400	Strawberry-apple preserves :		
Salt :			St. Louis Syrup & Preserving Co--		2397
Liverpool Salt & Coal Co--		2391, 2446	Strawberry jelly. (See Jelly, Strawberry.)		
Sardines :			Succotash :		
Cohn-Hume Fisheries Co--		2251, 2325	Augusta Canning Co-----		2212
Schumacher special horse feed :			Sugar corn :		
Matthews, George B., & Son---		2077	Atlantic Canning Co-----		2134
Quaker Oats Co-----		2077	Sunshine Suffolk biscuit (arrowroot) :		
Segars, chocolate (candy) :			Loose-Wiles Biscuit Co-----		2053
Hawley & Hoops ----		2359, 2360, 2362	Teddy bears, Chocolate (candy) :		
Hoops, Herman L---		2359, 2360, 2362	Hawley & Hoops -----		2361
Hoops, Herman W---		2359, 2360, 2362	Hoops, Herman L-----		2361
Hoops, William F---		2359, 2360, 2362	Hoops, Herman W-----		2361
Sirup, Cane, Wild forest brand :			Hoops, William F-----		2361
Johnson, F. N., Co-----		2332, 2333	Tomato ketchup :		
Sirup, Corn :			Atlas Preserving Co. (Inc.)----		2196
Scully, D. B., Co-----		2383	Ayars, B. S., & Sons Co-----		2187
Sirup, Corn and cane :			Flaccus, E. C., Co-----		2049
Long Syrup Refining Co-----		2390	Grant, H. E-----		2257
Mason-Ehrman Co-----		2390	Indiana Tomato Seed Co-----		2257
Sirup, Dixie sweet :			Keokuk Pickle Co-----		2423
Dixie Syrup Co. (Inc.)-----		2203	McMechen Preserving Co-----		2167
Sirup, Drips :			National Pickle & Canning Co-----		2311, 2312, 2423
Long Syrup Refining Co-----		2390	Schwabacher Bros. & Co-----		2148
Mason-Ehrman Co-----		2390	Van Lill, S. J., Co-----		2176, 2351
Sirup, Golden drip, cane flavor :			Tomato pulp :		
Farrell & Co-----		2165	Cooke Shanawolf Co-----		2214
Sirup, Grenadin :			Crothersville Canning Co-----		2233
Bettman-Johnson Co-----		2201	Foote, D. E., & Co-----		2442
Sirup, Maple :			Gypsum Canning Co-----		2119
Graby, Augustus-----		2429	Knightstown Conserve Co--		2120, 2124
Marx, M. A-----		2429	Martin & Lehr-----		2322
Sirup, Maple, Dixie sweet :			Seymour Canning Co-----		2233
Dixie Syrup Co. (Inc.)-----		2203	Tomato sauce :		
Sirup, Maple, Native purity pure :			Da Prato, Angelo-----		2127
Johnson, F. N., Co-----		2331, 2333	Tomatoes :		
Sirup, Maple, Wild forest brand :			Assau, W. F., Canning Co. (Inc.)		2197
Johnson, F. N., Co-----		2332, 2333	Berkman, Aaron-----		2245
Sirup, Pancake brand :			Farren, J. S., & Co. (Inc.)----		2174
Bliss Syrup Refining Co-----		2085	Roberts Bros-----		2067, 2202
Sirup, Pancake drip :					
Bliss Syrup Refining Co-----		2318			
2450					

FOODS—Continued.

	N. J. No.		N. J. No.
Tomatoes—Continued.		Wedding breakfast cane & maple sugar syrup:	
South Lebanon Preserving Co.-----	2300	Farrell & Co.-----	2205
Van Lill, S. J., Co.-----	2245	Wheat:	
Tonka and vanilla extract. (<i>See</i> Extract, Tonka and vanilla.)		Lull, Charles R.-----	2125
Vanilla extract. (<i>See</i> Extract, Vanilla.)		Metzler, Claudius E.-----	2125
Vanilla jelly. (<i>See</i> Jelly, Vanilla.)		Mueller, E. B., & Co.-----	2125
Vanilla and tonka extract (<i>See</i> Extract, Vanilla and tonka.)		Wheat bran:	
Vinegar:		Dunlop Milling Co.-----	2387
Central City Pickle Co.-----	2220, 2236	Whistles, Chocolate (candy):	
Dawson Bros. Mfg. Co.-----	2185	Hawley & Hoops.-----	2358
Haarmann Vinegar & Pickle Co.-----	2093, 2399	Hoops, Herman L.-----	2358
Henning, William, Co.-----	2083	Hoops, Herman W.-----	2358
Hughes, R. M., & Co.-----	2388	Hoops, William F.-----	2358
Place, M. H. & M. S.-----	2170	White fish:	
Schloss Crockery Co.-----	2061	Maul, Louis, Cheese & Fish Co.-----	2063
Vinegar compound, Apple:		White lake fish:	
Sharp-Elliott Mfg. Co.-----	2158	Dickman, O. H., & Co.-----	2412
Violet extract. (<i>See</i> Extract, Violet.)		Wild cherry jelly. (<i>See</i> Jelly, Cherry, Wild.)	
		Wild forest brand syrup:	
		Johnson, F. N., Co.-----	2330, 2332, 2333

BEVERAGES.

Absinthe:		Cherry cordial, Wild. (<i>See</i> Cordial, Cherry, Wild.)	
Arrow Distilleries Co.-----	2403	Cherry, Wild, phosphate:	
Apple brandy. (<i>See</i> Brandy, Apple.)		Spencer, L. G.-----	2115
Apricot cordial. (<i>See</i> Cordial, Apricot.)		Thompson Phosphate Co.-----	2115
Atlas carbonated soda (beer):		Cherry, Wild, stock:	
Bachman, H. E.-----	2182, 2183, 2184	Crown Cordial & Extract Co.-----	2304
Wheeling Specialty Co.-----	2182, 2183, 2184	Chicory:	
Bavarian malt extract:		Muller, E. B., & Co.-----	2058
Heim, Ferd., Brewing Co.-----	2258	Chicory and coffee compound:	
Imperial Brewing Co.-----	2258	Potter-Sloan-O'Donohue Co.-----	2180
Kansas City Breweries Co.-----	2258	Chocolate, Soluble:	
Beer:		Hance Bros & White.-----	2348
Monumental Brewing Co.-----	2073	Claret wine. (<i>See</i> Wine, Claret.)	
(Beer) Atlas carbonated soda:		Cocoa:	
Bachman, H. E.-----	2182, 2183, 2184	Hance Bros. & White.-----	2348
Wheeling Specialty Co.-----	2182, 2183, 2184	Cocoa, Phillips' digestible:	
Beer, Dove brand:		Phillips, Charles H., Chemical Co.-----	2186
Gerst, William, Brewing Co.-----	2227	Coffee:	
Beer, Pilsener style:		Aragon Coffee Co.-----	2179
Obermeyer & Liebmman.-----	2229	Arndt, Christian.-----	2128
Benedittina:		Great Atlantic & Pacific Tea Co.-----	2210
Bertin & Lepori.-----	2405	Guatemala Coffee Co.-----	2433
Blackberry cordial. (<i>See</i> Cordial, Blackberry.)		Harrison, John W.-----	2179
Blackberry flavored juice:		Hinz, F. W., & Son.-----	2250
Mihalovitch Co.-----	2056	Ouerbacher Coffee Co.-----	2128
Brandy:		Steinwender, Stoffregan & Co.-----	2128
Cropper, Francis, Co.-----	2449	Stoffregan, Charles.-----	2128
Brandy, Apple:		Coffee and chicory compound:	
Old Spring Distilling Co.-----	2253	Potter-Sloan-O'Donohue Co.-----	2180
Brandy, Peach:		Cordial, Apricot:	
Moyse Bros.-----	2066	Bastheim, A.-----	2089
Burgundy wine. (<i>See</i> Wine, Burgundy.)		Fisher, F. V.-----	2089
Carbonated soda, Atlas (beer):		Gottstein, M. & K.-----	2089
Bachman, H. E.-----	2182, 2183, 2184	Cordial, Blackberry:	
Wheeling Specialty Co.-----	2182, 2183, 2184	Bastheim, A.-----	2137
Champagne. (<i>See</i> Wine, Champagne.)		Bettman-Johnson Co.-----	2221
		Bluthenthal & Bickart (Inc.)--	2193

BEVERAGES—Continued.

	N. J. No.		N. J. No.
Cordial, Blackberry—Continued.		Peach brandy. (<i>See</i> Brandy, Peach.)	
Fisher, F. V.-----	2137	Phillips' digestible cocoa:	
Gottstein, M. & K.-----	2137	Phillips, Charles H., Chemical	
Hollander, Frances-----	2060	Co-----	2186
Sweet Valley Wine Co-----	2347	Phosphate, Cherry, Wild:	
Cordial, Cherry, Wild:		Spencer, L. G.-----	2115
Sweet Valley Wine Co-----	2347	Thompson Phosphate Co-----	2115
Cordial, Fruits and flowers:		Pilsener style beer:	
Weideman Co-----	2094	Obermeyer & Liebmann-----	2229
Crazy mineral water:		Red dragon seltzer:	
Crazy Wells Water Co-----	2224	Asquith, George D-----	2246
Dove brand beer:		Scuppernong wine. (<i>See</i> Wine, Scup-	
Gerst, William, Brewing Co-----	2227	pernong.)	
Flowers, Fruits and cordial. (<i>See</i>		Seltzer, Red dragon:	
Cordial, Fruits and flowers.)		Asquith, George D-----	2246
Fruits and flowers cordial. (<i>See</i>		Shaco-Kauphy:	
Cordial, Fruits and flowers.)		Angell, S. H., & Co-----	2139
Gin:		Craven, McDonough-----	2139
Bertin & Lepori-----	2405	Sirup, Orangeade:	
Corning & Co-----	2373	Blanke-Baer Chemical Co-----	2421
Shufeldt, Henry H., & Co-----	2374	Sirup, Tamarind:	
Gin, and orange, Honey:		Finora & Co-----	2052
Furst Bros-----	2239	Soda, Atlas carbonated (beer):	
Grape juice:		Bachman, H. E-----	2182, 2183, 2184
Clarke, W. E., Co-----	2054	Wheeling Specialty Co. 2182, 2183, 2184	
Fredonia Wine Co-----	2054	Tamarind sirup. (<i>See</i> Sirup, Tama-	
Wilbur, Henry T-----	2054	rind.)	
Wilbur, Katherine C-----	2054	Tonic, Malt:	
Hiccure mineral water:		Coburg, John L-----	2235
Hiccure Mineral Water Co-----	2380	Vodka:	
Panabaker, P. F-----	2380	Bosak, Michael-----	2256
Honey, gin, and orange:		Fulton Extract & Cordial Works	2166
Furst Bros-----	2239	Katz, L. B-----	2225, 2349
Koko:		Russian Monopole Co-----	2225, 2226,
Hance Bros. & White-----	2348	2228, 2230, 2232, 2234, 2252, 2254,	
Kummel:		2256, 2349, 2408, 2409, 2410, 2411	
Bettman-Johnson Co-----	2309	Shulman, S-----	2252, 2254
Mihalovitch Co-----	2138	Water, Crazy mineral:	
La Margarita en Loeches water:		Crazy Water Wells Co-----	2224
Schierer, Henry-----	2173	Water, La Margarita en Loeches:	
Malt extract, Bavarian:		Schierer, Henry-----	2173
Heim, Ferd, Brewing Co-----	2258	Wild cherry cordial. (<i>See</i> Cordial,	
Imperial Brewing Co-----	2258	Cherry, Wild.)	
Kansas City Breweries Co-----	2258	Wild cherry stock:	
Malt nutritine:		Crown Cordial & Extract Co---	2304
Anheuser-Busch Brewing Assn--	2310	Wine, Burgundy:	
Malt tonic:		Schlesinger & Bender (Inc.)---	2096
Coburg, John L-----	2235	Wine, Champagne:	
Mineral water, Hiccure:		Dubreuil, E., & Fils-----	2392
Hiccure Mineral Water Co-----	2380	Wine, Claret:	
Panabaker, P. F-----	2380	French-American Wine Co-----	2088
Orange, Honey, gin and:		Ryckman, G. E., Wine Co-----	2401
Furst Bros-----	2239	Wine, Scuppernong:	
Orangeade:		Schmidt, Jr., A., & Bro. Wine	
Cropper, Francis, Co-----	2448	Co-----	2404, 2447
Orangeade sirup:		Sweet Valley Wine Co-----	2402
Blanke-Baer Chemical Co-----	2421		

DRUGS.

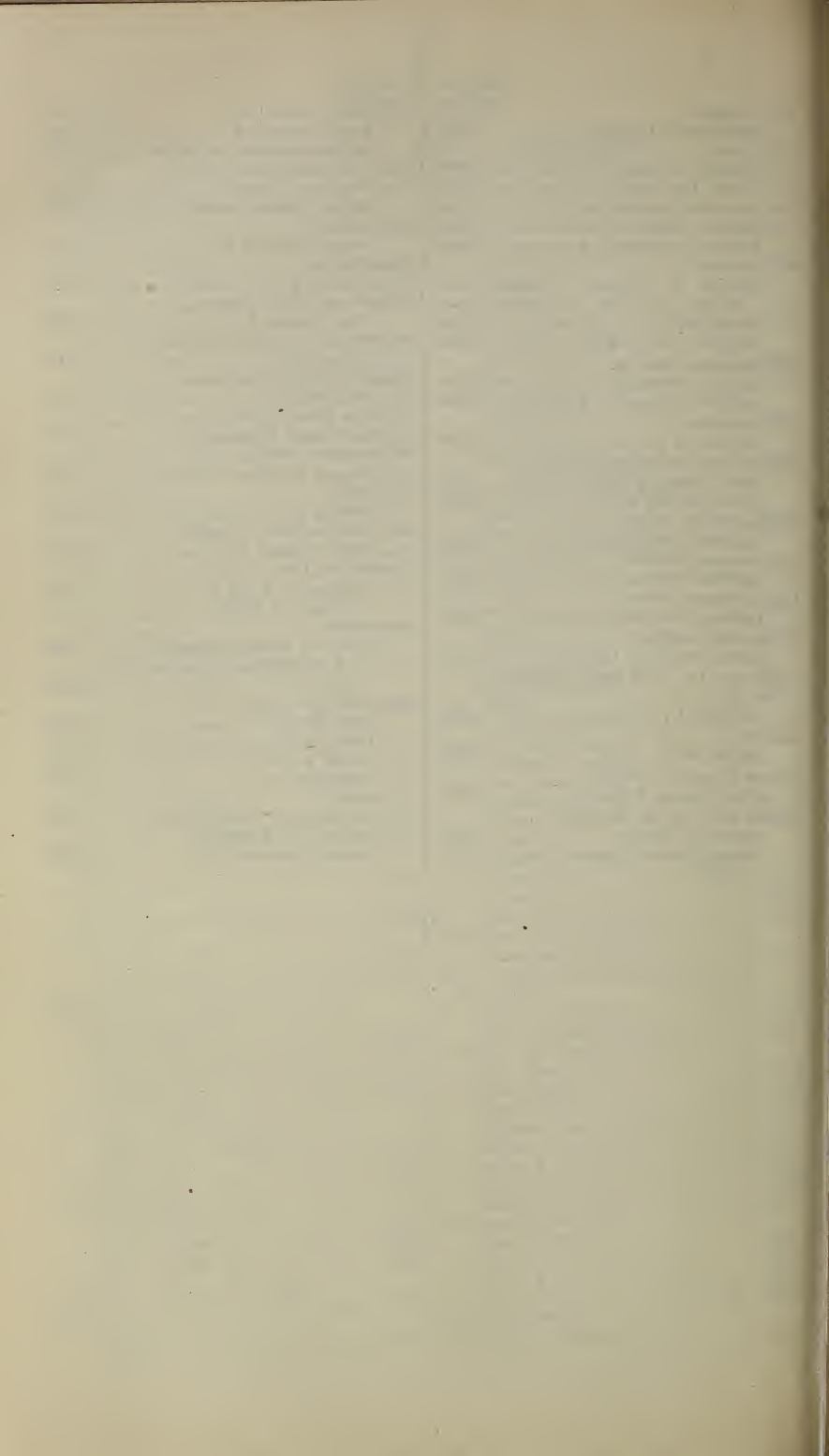
Acetanilid tablets:		Acetanilid tablets—Continued.	
Case, Ensley J-----	2188	Irwin, Neisler & Co-----	2395
Case, George W-----	2188	Sutliff & Casé Co-----	2188
Flint, Eaton, & Co-----	2365	Weinkauff, Jacob-----	2188
2450			

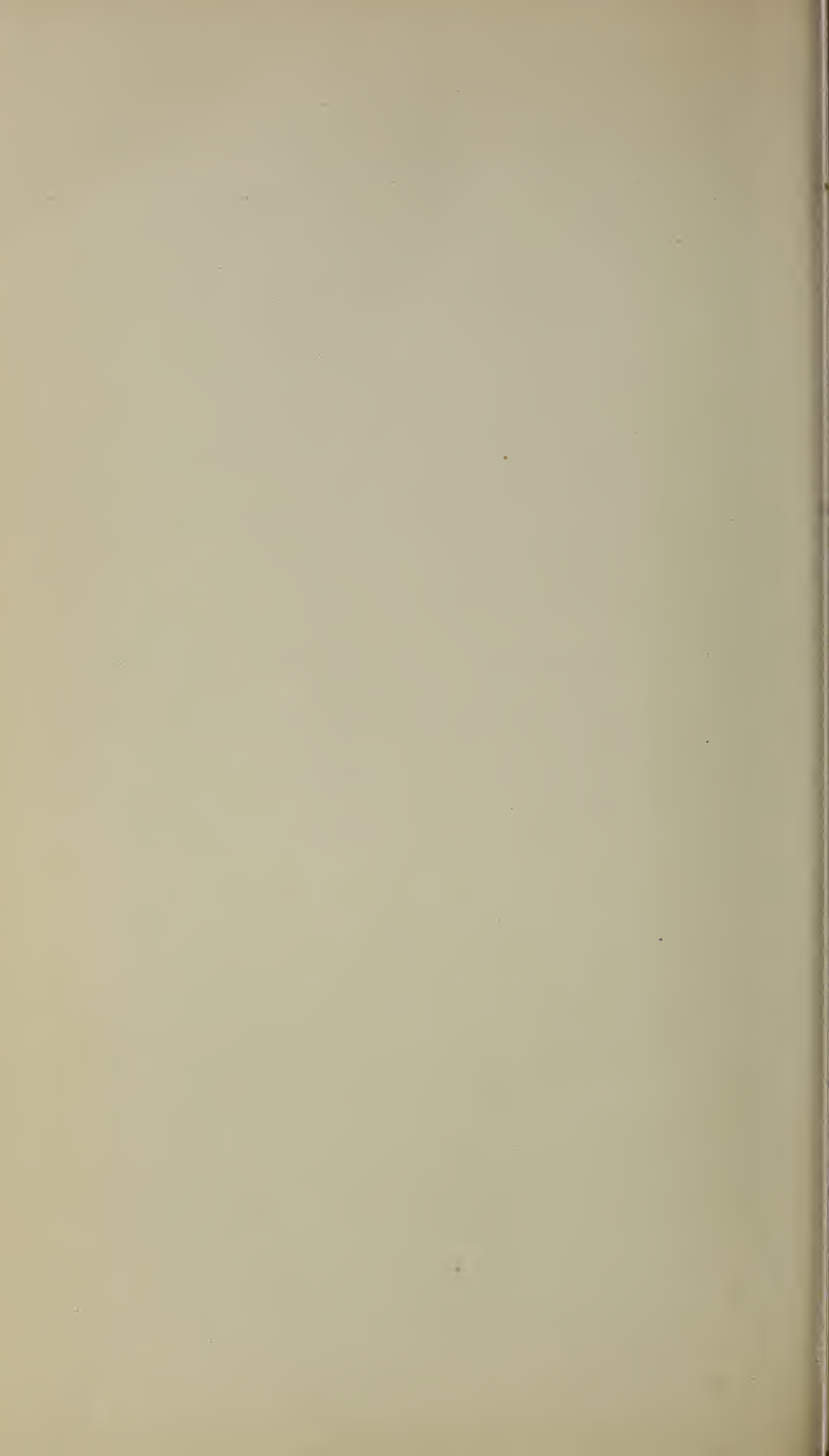
DRUGS—Continued.

	N. J. No.		N. J. No.
Acetanilid and caffen compound tablets :		Essence, Jamaica ginger :	
Flint, Eaton, & Co-----	2366	Farris, W. S-----	2169
Acetanilid and sodium tablets :		Union Mfg. & Packing Co-----	2169
Upjohn Co-----	2313	Fernet-extra (bitters) :	
Apples, Colocynth :		Bertin & Lepori-----	2405
Peek & Velsor-----	2438	Fernet-L-Branca (bitters) :	
Velsor, Joseph A-----	2438	Cordial-Panna Co-----	2075
Velsor, Joseph H-----	2438	Freckeleater :	
Beef, wine, and coca :		Baker-Wheeler Mfg. Co-----	2443
Case, Ensley J-----	2213	Freckeleater Co-----	2443
Case, G. W-----	2213	Ginger, Jamaica, essence :	
Sutliff & Case Co-----	2213	Farris, W. S-----	2169
Weinkauff, J-----	2213	Union Mfg. & Packing Co-----	2169
Belladonna leaves :		Gum, Chewing :	
Murray & Nickell Mfg. Co-----	2091	American Chiclé Co-----	2352
Bennett's, Dr., wonder oil :		Gum tragacanth :	
Bennett Medicine Co-----	2106	Hopkins, J. L., & Co-----	2436
Benzaldehyde oil :		(Suppl. to 1881.)	
Dodge & Olcott Co-----	2377	Hafr, Rum and quinine for the :	
Bitters, Fernet-extra :		Edelstein, Albert-----	2321
Bertin & Lepori-----	2405	Monte Christo Cosmetic Co-----	2321
(Bitters) Fernet-L-Branca :		Hamburg stomach bitters :	
Cordial-Panna Co-----	2075	Weideman Co-----	2094
Bitters, Hamburg stomach :		Iodin, Tincture of :	
Weideman Co-----	2094	Asquith, G. D-----	2444
Bitters, Litthauer stomach :		Bronaugh, A. T-----	2426
Lowenthal, Strauss Co-----	2207	Krick, J. Louis-----	2424
Bitters, Pale orange :		Morgan Bros-----	2425
Bettman-Johnson Co-----	2199	Robey's Pharmacy-----	2431
Bitters, Pepsin magen :		Iron, Elixir :	
Bettman-Johnson Co-----	2222	Affleck, P. G-----	2428
Caffein tablets :		Jamaica ginger essence. (See Gin- ger, Jamaica, essence.)	
Irwin, Neisler & Co-----	2395	Lavender flowers oil :	
Caffein citrate tablets :		Horner, James B-----	2129
Flint, Eaton, & Co-----	2365	Stillwell, Arthur A., & Co-----	2133
Caffein and acetanilid compound tablets :		Linseed oil :	
Flint, Eaton, & Co-----	2366	Duluth & Superior Linseed Works-----	2149
Cajuput oil :		Gatin Mfg. Co-----	2336
Meyer Bros. Drug Co-----	2147	Hulburt, M. A., & Co-----	2149
Cassia oil :		Litthauer stomach bitters :	
Rockhill & Vietor-----	2072	Lowenthal, Strauss Co-----	2207
Vietor, Carl L-----	2072	Monte Christo rum and quinine for the hair :	
Chewing gum. (See Gum, chewing.)		Edelstein, Albert-----	2321
Coca, Beef, wine, and :		Monte Christo Cosmetic Co-----	2321
Case, Ensley J-----	2213	Nitroglycerin tablets :	
Case, G. W-----	2213	Case, Ensley J-----	2188
Sutliff & Case Co-----	2213	Case, George W-----	2188
Weinkauff, J-----	2213	Flint, Eaton, & Co-----	2365
Cold push treatment No. 12, Dr. Pusheck's :		Milliken, John T., & Co-----	2059
Pusheck, Dr. Charles A-----	2117	Neisler, Irwin, & Co-----	2306
Cold tablets :		Sutliff & Case Co-----	2188
Irwin, Neisler & Co-----	2394	Upjohn Co-----	2299
Colocynth apples :		Weinkauff, Jacob-----	2188
Peek & Velsor-----	2438	Nux vomica tablets :	
Velsor, Joseph A-----	2438	Case, Ensley J-----	2191
Velsor, Joseph H-----	2438	Case, G. W-----	2191
Damiana :		Sutliff & Case Co-----	2191
Shufeldt, Henry H., & Co-----	2375	Weinkauff, J-----	2191
Elixir iron :		Oil, Benzaldehyde :	
Affleck, P. G-----	2428	Dodge & Olcott Co-----	2377
2450			

DRUGS—Continued.

Oil, Cajuput:	N. J. No.	Rosemary flowers oil:	N. J. No.
Meyer Bros. Drug Co-----	2147	Horner, James B-----	2141
Oil, Cassia:		Stillwell, Arthur A., & Co-----	2123
Rockhill & Vietor-----	2072	Rum and quinin for the hair:	
Vietor, Carl L-----	2072	Edelstein, Albert-----	2321
Oil, Lavender flowers:		Monte Christo Cosmetic Co-----	2321
Horner, James B-----	2129	Salol tablets:	
Stillwell, Arthur A., & Co-----	2133	Irwin, Neisler & Co-----	2395
Oil, Linseed:		Sassafras oil:	
Duluth & Superior Linseed		Ungerer & Co-----	2136
Works-----	2149	Sodium salicylate tablets:	
Gatlin Mfg. Co-----	2336	Flint, Eaton, & Co-----	2365
Hurlburt, M. A., & Co-----	2149	Sodium and acetanilid tablets:	
Oil, Rosemary flowers:		Upjohn Co-----	2313
Horner, James B-----	2141	Stomach bitters, Hamburg:	
Stillwell, Arthur A., & Co-----	2123	Weideman Co-----	2094
Oil, Sassafras:		Stomach bitters, Litthauer:	
Ungerer & Co-----	2136	Lowenthal, Strauss Co-----	2207
Opium, Tincture of deodorized:		Stramonium leaves:	
Flint, Eaton, & Co-----	2367	Murray & Nickell Mfg. Co-----	2090
Irwin, Neisler & Co-----	2395	Strychnin:	
Orange bitters, Pale:		Affleck, P. G-----	2428
Bettman-Johnson Co-----	2199	Strychnin sulphate tablets:	
Pale orange bitters:		Irwin, Neisler & Co-----	2395
Bettman-Johnson Co-----	2199	Tragacanth, Gum:	
Pepsin magen bitters:		Hopkins, J. L., & Co-----	2436
Bettman-Johnson Co-----	2222	(Suppl. to 1881.)	
Phenacetin tablets:		Turpentine:	
Irwin, Neisler & Co-----	2395	Southern States Turpentine Co--	2450
Pusheck's, Dr., Cold push treatment		U. S. Turpentine & Linseed Oil	
No. 12:		Co-----	2109
Pusheck, Dr. Charles A-----	2117	Wine and coca, Beef:	
Quinin:		Case, Ensley J-----	2213
Affleck, P. G-----	2428	Case, G. W-----	2213
Quinin sulphate tablets:		Sutliff & Case Co-----	2213
Flint, Eaton, & Co-----	2365	Weinkauff, J-----	2213
Quinin and rum for the hair:		Witch-hazel:	
Edelstein, Albert-----	2321	Tunkhannock Distilling Co-----	2140
Monte Christo Cosmetic Co-----	2321	Wonder oil, Dr. Bennett's:	
2450		Bennett Medicine Co-----	2103





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2451.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 8 Carloads Feed Barley. Decree of condemnation by consent.
Goods released on bond.

ADULTERATION OF FEED BARLEY.

On January 21, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 carloads of feed barley remaining unsold in the original unbroken packages and in possession of the Chicago, Burlington & Quincy Railroad Co., at its freight yards, Hawthorne, Ill., alleging that the product had been shipped by the Van Dusen Harrington Co., Minneapolis, Minn., and was being transported from the State of Minnesota into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that certain substances known as screenings and weed seed had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that certain substances known as screenings and weed seed had been substituted in part for the product.

On February 3, 1913, the said Van Dusen Harrington Co., claimant, having admitted all the allegations in the libels and consented to a decree, and the court having heard the arguments of counsel and being fully advised in the premises, a judgment of condemnation and forfeiture was entered, and it was furthered ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$8,000, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2452.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 3 Carloads Feed Barley. Decree of condemnation by consent.
Goods released on bond.**

ADULTERATION OF FEED BARLEY.

On January 21, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 carloads of feed barley remaining unsold in the original unbroken packages and in possession of the Chicago, Burlington & Quincy Railroad Co., at the town of Hawthorne, Ill., alleging that the product had been shipped on January 17, 1913, by the Merchants Elevator Co., Minneapolis, Minn., and was being transported from the State of Minnesota into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that certain substances known as screenings and weed seed had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that certain substances known as screenings and weed seed had been substituted in part for the product.

On February 3, 1913, the said Merchants Elevator Co., claimant, having admitted all the allegations in the libels and consented to a judgment of condemnation, and the court having heard arguments of counsel and being fully advised in the premises, a judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$3,000, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1913.*

United States Department of Agriculture

Office of the Chief of Bureau

WASHINGTON, D. C.

January 1, 1890

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 29th inst.

REPLY TO YOUR LETTER

I have the honor to acknowledge the receipt of your letter of the 29th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, however, unable to give you any definite answer at this time, as the matter is still under consideration. I will, however, endeavor to give you a more definite answer as soon as possible.

I am, Sir, very respectfully,
Yours very truly,
J. H. HARRIS, Chief of Bureau.

I am, Sir, very respectfully,
Yours very truly,
J. H. HARRIS, Chief of Bureau.

I am, Sir, very respectfully,
Yours very truly,
J. H. HARRIS, Chief of Bureau.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2453.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 10 Carloads of Feed Barley. Decree of condemnation by consent.
Goods released on bond.**

ADULTERATION OF FEED BARLEY.

On January 29, 1913, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 carloads of feed barley remaining unsold in the original unbroken packages and in possession of the Chicago, Burlington & Quincy Railroad Co. upon its tracks at St. Paul, Minn., alleging that the product had been delivered for shipment and transportation in interstate commerce by the Brown Grain Co., Minneapolis, Minn., on January 21, 1913, for carriage from the State of Minnesota into the State of Virginia for export, and charging adulteration in violation of the Food and Drugs Act. The product was invoiced and waybilled as "Feed Barley."

Adulteration of 5 carloads of the product was alleged in the libel for the reason that a substance, to wit, weed seeds to the amount of 10 per cent and wheat screenings to the amount of 10 per cent, had been mixed and packed with the article, to wit, feed barley, so as to reduce, lower, and injuriously affect its quality; and for the further reason that a substance, to wit, weed seeds to the amount of 10 per cent and wheat screenings to the amount of 10 per cent, had been substituted in part for the article, to wit, feed barley. Adulteration of the product in the other 5 cars was alleged for the reason that sub-

stances, to wit, weed seeds to the amount of 10 per cent and buckwheat screenings to the amount of 10 per cent, had been mixed and packed with the article, to wit, feed barley, so as to reduce, lower, and injuriously affect its quality, and for the further reason that substances, to wit, weed seeds to the amount of 10 per cent and buckwheat screenings to the amount of 10 per cent, had been substituted in part for the article, to wit, feed barley.

On January 31, 1913, the said Brown Grain Co., claimant, having entered its appearance and consented to the rendition of a decree, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be delivered to said claimant upon payment of all costs of the proceedings, amounting to \$20.99, and the execution of bond in the sum of \$10,000, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1913.*

2453



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2454.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 390 Boxes of Oranges. Decree of condemnation by consent. Goods destroyed.

ADULTERATION OF ORANGES.

On January 30, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 390 boxes of oranges, remaining unsold in the original unbroken packages and in the possession of the Wabash Railroad upon its tracks in St. Louis, Mo., in a car marked and designated "S F R D 8498", alleging that the product had been shipped on or about January 25, 1913, from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Three hundred and ten boxes of the product were labeled: "California Fruit Growers Exchange. Crafton Brand Washington Navels, Packed by Crafton Orange Growers Assn., Redlands, Calif." Eighty boxes were labeled: "California Fruit Growers Exchange (design, picture of two ripe oranges, one green orange, orange blossoms, and a lake)." Each of the oranges bore a wrapper with the following label: "California Oranges and Lemons."

Adulteration of the product was alleged in the libel for the reason that the oranges had been frozen and their tissues showed disintegration and said oranges had been made bitter by freezing, and had commenced to rot and decay as a result of such freezing, and were

light in weight and contained little juice, and the tissues showed discoloration by reason of said freezing, and the oranges were wholly unfit for food.

On February 3, 1912, the California Fruit Growers Exchange, at St. Louis, Mo., claimant, having entered its appearance, admitted the allegations in the libel, and consented to a decree and the court having found that the product had been shipped in interstate commerce, by the Crafton Orange Growers Association, Mentone, Cal., judgment of condemnation and forfeiture was entered. It was ordered by the court that the product be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 23, 1913.

2454



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2455.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Rutger Bleecker. Plea of guilty. Sentence suspended.

MISBRANDING OF COFFEE.

On November 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rutger Bleecker, doing business under the firm name and style of Rutger Bleecker & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 16, 1910, from the State of New York into the State of Illinois, of a quantity of coffee which was misbranded. The product was labeled: "Dutch East Indies P. W. S. Ankola B. R." "Dutch East Indies AM CCO 1" "PWS Ankola—BR J. W. Bunn & Co., Springfield, Ill."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed that it was a green coffee and tended to show that it was a sweated coffee and perhaps a very pale Dutch East Indian, probably a Kroe, sweated to give it more value. The examination tended to show that the product was not an Ankola coffee. Misbranding of the product was alleged in the information for the reason that the package and label thereon bore a statement, to wit, "Ankola," regarding the product and the ingredients and substances contained therein, which was false and misleading, that is to say, the said statement and label represented that the product was an Ankola coffee and that it conformed to the commercial concept of

Ankola coffee, when in truth and in fact it was not a genuine Ankola coffee, but was a mixture of inferior coffees which had been submitted to a process known as sweating, and was labeled in the manner and form aforesaid so as to mislead and deceive the purchaser into the belief that it was a genuine Ankola coffee, when in truth and in fact it was not so, but was an imitation thereof and was offered for sale under the distinctive name of another article, to wit, Ankola coffee.

On February 10, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 23, 1913.

2455



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2456.

SUPPLEMENT TO NOTICE OF JUDGMENT NO. 1744.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Philadelphia Pickling Co. On appeal by defendant the U. S. Circuit Court of Appeals for the Third Circuit affirmed judgment of the lower court.

ADULTERATION OF TOMATO PASTE.

On November 19, 1912, the Philadelphia Pickling Co., defendant in the above-cited case, petitioned the District Court of the United States for the District of New Jersey for an order allowing said defendant to prosecute a writ of error to the United States Circuit Court of Appeals for the Third Circuit. On the same date defendant filed its bill of exceptions and assignments of error at the trial of the case before said District Court, resulting, October 30, 1911, in a verdict of guilty and the imposition of a fine of \$100.

At the trial of the case the jury was directed to find a verdict in favor of the Government, as will more fully appear on the following charge delivered to the jury by the court (Rellstab, *D. J.*):

The question now before the court is whether the defense that the defendant has been permitted to introduce, is an answer to this indictment, it having been admitted by the defendant, first that the nine barrels of tomato paste, which constitutes the shipment, contained adulterated food within the meaning of the Food and Drug Act; and second, that it shipped them from Belleplain, New Jersey, to itself at its place of business in Philadelphia, Pennsylvania.

As I say, the question is whether, in view of those admissions, the defense that has been permitted to be introduced can be treated as a defense in law. If it can, it presents a question for the jury. If not, there is no question for the jury to pass upon, and it devolves upon the Court to direct a verdict.

The view I have reached in the premises is that it does not constitute a defense, and I will briefly state my reasons, so that if the case should be taken up, the Appellate Court will know upon what grounds the defense was overruled.

The indictment contains but one count, and that charges the defendant, the Philadelphia Pickling Company, with wilfully and unlawfully shipping and delivering for shipment from Belleplain, New Jersey, to Philadelphia, Pennsylvania, by a certain railroad, nine barrels of tomato paste, which, the indictment alleges, was a food adulterated within the meaning of the Food and Drug Act. It then specifies in what way it was adulterated. This act, as indicated in its title, is an act to prevent not only the manufacture and sale, but the transportation of, adulterated or misbranded foods and drugs, etc. Transportation as well as sale or manufacture, is therefore, within the Congressional purpose in passing this enactment. Section 2 prohibits the introduction into any State from another State, of adulterated foods; or even the delivery for shipment from one State to another, and it declares the persons who shall so introduce and transport, to be guilty of a misdemeanor.

Section 10, to which reference has been made, authorizes a proceeding in rem, and contemplates only the confiscation of the offending goods. Section 2, upon which the indictment is founded, directs a proceeding in personum, and the constituents of the offense therein denounced are found therein, no reference to Section 10 being necessary.

It is said, however, that the shipment in question, though made with the view of sale, depended upon an inspection and test before a sale could take place, and therefore was not an offense within such section. In other words, that such a transaction was not commerce, and therefore not within the legislative purpose of the act. I cannot accede to this view. The defendant certainly contemplated making a sale of this paste. The examination and test were for that purpose; that the result thereof might prevent the consummation of the intended sale does not make this shipment any less a commercial transaction. The purpose of this act is very manifest, it is a beneficent purpose; it is to protect the public from the sale of impure food. The act itself furnishes the test of what is impure. Transportation with a view of putting into the hands of customers an adulterated article, is within the beneficent purpose, and within the terms of this enactment.

Now, it appears in this case that the defendant purchased in New Jersey, from a New Jersey manufacturer, a number of barrels of tomato paste, which it stored in its own place in New Jersey. The testimony on behalf of the defendant discloses not only that, but also that they knew at that time that it was adulterated within the meaning of this act, and that if such food should come into interstate commerce, it would fall within the denouncement of such act, subject the defendant to indictment, and the goods themselves to confiscation.

The proviso to Section 2, to which reference has been made, shows that Congress intended to except from the provisions of the act such articles, even though they were adulterated within the meaning of the act, where it was intended for export to a foreign country; but it expressly limits the proviso, and requires the persons so intending to use the adulterated food, to see that it is put in packages prepared and packed according to the specifications or directions of the foreign purchaser; that was not done in this case. The reason given why it was not done is that without an examination and test no such exportation was to take place, and that the prospective purchaser would not go to New Jersey to make the inspection, and that the goods were thereupon shipped to Philadelphia to have the examination and test made there. We find, therefore, that a shipment was made of adulterated goods from one State to another. It is said it was made, however, from the owner to himself, the shipper and the consignee being the same person, and that from that we are to conclude that it was not commerce. I do not think the cases cited by counsel will support that

insistence. Furthermore, it must not be overlooked that all those cases were dealing with Section 10, seizures in which the element of sale is expressly inserted. It may very well be that a person cannot sell to himself; yet, a shipment by one to himself may be in contemplation of sale and fall within the statute's inhibition. If Stevens, the original owner, had shipped these goods direct to the defendant at Philadelphia, there would be no question but that it would be a shipment in interstate commerce. Will the mere fact that the purchase was made in New Jersey and shipped by the purchaser to himself in another State, take the transaction out of the act? To put such construction upon this section seems to me to be violative of the ordinarily accepted principles of statutory construction. This section declares that introducing from one State to another, shipping from one State to another, delivering for the purpose of shipping from one State to another, an article of food which is adulterated, is a misdemeanor. As already stated, these nine barrels of adulterated tomato paste were intended to be sold, and that with a view of facilitating and consummating such sale, the shipment was made from New Jersey to Pennsylvania. It would have been consummated, according to their own statement, if the goods had upon inspection and examination by the intended purchaser proved to be satisfactory to him. To hold that a shipment of that kind is not commerce, in my judgment, would be in absolute disregard of the meaning of the word. The defendant, if it had intended to make a shipment of these barrels under this proviso which I have mentioned—the proviso tacked on to the second section—should have made its inspection and examination in New Jersey and should there have prepared and marked the containers in the manner directed by the statute. It did not do that; but on the contrary, it made the shipment in disregard of such requirement, and hence, in violation of the section.

My direction, therefore, to you gentlemen is that you find a verdict in favor of the Government.

On January 2, 1913, the case was argued in the Circuit Court of Appeals and on February 1, 1913, that court rendered its decision, affirming the judgment of the lower court, as will more fully appear from the following opinion delivered by the court (McPherson, J.) :

The Philadelphia Pickling Company was convicted under Section 2 of the Food and Drugs Act of 1906, the indictment charging a shipment of adulterated tomato paste from the company's place of business in New Jersey to its place of business in Pennsylvania. Other facts will appear in a few moments; but it seems advisable to consider in advance the general question—Does the act apply where the owner has shipped to himself for some other business purpose than sale? The trial judge directed the verdict, but no complaint is made of this, if his construction of the act was correct.

The statute imposes penalties in three sections, but we are concerned only with sections 2 and 10. The latter section provides for condemnation, and permits an offending article to be seized, if it "is being transported from one state, territory, district, or insular possession to another for sale; or having been transported remains unloaded, unsold, or in the original unbroken packages; or if it be sold or offered for sale in the District of Columbia, or the territories, or insular possessions of the United States; or if it be imported from a foreign country for sale; or if it is intended for export to a foreign country." This section speaks repeatedly of sale, and the courts have had several occasions to consider what Congress meant by the language quoted. In *United States vs. 65 Casks* (D. C.), 170 Fed. 449, it appeared that the casks in ques-

tion (which were insufficiently marked) contained a liquid that had been manufactured and shipped by the owner's agent in Michigan to the owner himself in West Virginia for the primary purpose of being bottled and properly labeled there. It was not to be sold until this had been done, and the District Court held *inter alia* (pp. 445-6) that Congress

"did not * * * have power to restrict one from manufacturing in one state such product and removing it from that state to another for the purpose of personal use and not sale, or for use in connection with the manufacture of other articles to be legally branded when so manufactured."

The Court of Appeals affirmed the judgment in a brief opinion (175 Fed. 1022) which is silent concerning the power of Congress and merely gives the following reason for affirmance:

"No attempt to avoid the law, either directly, indirectly or by subterfuge, has been shown; it appearing that the manufacturer had simply transferred from one point to another the product he was manufacturing for the purpose of completing the same for the market. Under the circumstances disclosed in this case, having in mind the object of Congress in enacting the law involved, we do not think the liquid extract proceeded against should be forfeited. Reaching this conclusion we do not find it necessary to consider other questions discussed by counsel and referred to in the opinion of the court below."

In *United States vs. 46 Packages* (D. C.) 183 Fed. 642, it was held that a libel in rem under Section 10 was defective because it failed to aver that the articles seized were transported "for sale". The foregoing cases are referred to in *Hipolite Egg Co. vs. United States*, 220 U. S. 45, and although they are not definitely disapproved they are certainly not accepted as correct. At the best, they are noticed and laid aside with a word or two of comment, and of course they must yield if they clash with the decision or the opinion of the Supreme Court. One of the points decided in the *Hipolite Egg* case is, that section 10 permits the condemnation of adulterated food, although it has not been transported for sale directly but is intended solely for use as raw material in the manufacture of another product. This is clear, for the court on page 52 states the first contention of the Egg Company to be that

"Section 10 of the Food and Drugs Act does not apply to an article of food which has not been shipped for sale, but which has been shipped solely for use as raw material in the manufacture of some other product;" and this contention is declared (p. 55) to be "Untenable."

But the reasoning that supports this declaration goes further, we think, than the precise point decided. We may perhaps venture to give an outline of the argument: Congress has taken away from adulterated food the right to be transported in interstate commerce, whatever the object of such transportation may be. The act has two clearly separate objects (p. 54); first, to keep adulterated articles completely out of the channels of interstate commerce; and second, if they do enter such channels to sanction their condemnation while being transported, or even after they have reached their destination, as long as they remain unloaded, unsold, or in original unbroken packages. These objects of the act are not changed or qualified by the purpose of the owner. He may, or may not, intend to sell; if he so intend, perhaps he may also intend that the articles shall first undergo a further process of manufacture; but even if the latter intention be present, he would still be transporting for sale. Therefore, even if the "condition" (Contention?) be accepted that section 10 does not allow condemnation unless such articles are transported for sale, nevertheless the facts of the case then being considered showed that a "sale" was intended. Not directly, it is true, but only one step removed; for the eggs were

intended to be used in making cakes for the market, and were, therefore, to be sold as a part of the cake. The court points out that all articles, compound or single, not intended for consumption by the producer, are designed for sale, and because they are so designed it is the concern of the law to have them pure.

One of the Egg Company's arguments—that a producer in one state is not interested in an article shipped from another state if such article be not intended for sale or consumption until it is manufactured into something else—is said to be “peculiar”; the court declares, that both the producer and the consumer are interested in having an article pure, no matter whence it may come, and that the law seeks to protect such interest both by the personal penalties of section 2 and by the seizure and condemnation under section 10.

This is in outline the Court's reply to the Egg Company's first position; but we think the attitude of that tribunal appears even more clearly in the discussion of the company's second position—which was, “that at the time of the seizure the eggs had passed into the general mass of property in the state, and out of the field covered by interstate commerce.” The containers had been stored at the company's bakery among other supplies, but the original packages had not been broken. It was held that Congress might pursue the packages into the bakery and might seize them there; the offending articles had not escaped although they had reached their destination, and had already become part of a larger collection of supplies. The act had forbidden the transportation of adulterated food, and not only had made the shipper subject to penalties, but had made even the goods themselves so far culpable as to be liable to seizure in rem:

“It is clearly the purpose of the statute that they shall not be stealthily put into interstate commerce, and be stealthily taken out again upon arriving at their destination and be given asylum in the mass of property of the state. Certainly not, when they are yet in the condition in which they were transported to the state, or, to use the words of the statute, while they remain “in the original, unbroken packages”. In that condition they carry their own identification as contraband of law. Whether they might be pursued beyond the original packages, we are not called upon to say. That far the statute pursues them, and, we think, legally pursues them, and to demonstrate this but little discussion is necessary.”

And one characteristic of adulterated food is thus insisted upon, with the legal consequences that flow therefrom:

“We are dealing, it must be remembered, with illicit articles,—articles which the law seeks to keep out of commerce, because they are debased by adulteration, and which law punishes them (if we may so express ourselves) and the shipper of them. There is no denial that such is the purpose of the law, and the only limitation of the power to execute such purpose which is urged is that the articles must be apprehended in transit or before they have become a part of the general mass of property of the state. In other words the contention attempts to apply to articles of illegitimate commerce the rule which marks the line between the exercise of Federal power and state power over articles of legitimate commerce. The contention misses the question in the case. There is here no conflict of national and state jurisdictions over property legally articles of trade. The question here is whether articles which are outlaws of commerce may be seized wherever found, and it certainly will not be contended that they are outside of the jurisdiction of the National Government when they are within the borders of a state. The question in the case, therefore is, What power has Congress over such articles? Can they escape the consequences of their illegal transportation by being mingled at the place of destination with

other property? To give them such immunity would defeat, in many cases, the provision for their confiscation, and their confiscation or destruction is the especial concern of the law. The power to do so is certainly appropriate to the right to bar them from interstate commerce, and completes its purpose, which is not to prevent merely the physical movement of adulterated articles, but the use of them, or rather to prevent trade in them between the states by denying to them the facilities of interstate commerce. And appropriate means to that end, which we have seen is legitimate, are the seizure and condemnation of the articles at their point of destination in the original, unbroken packages."

We have examined this case at such length, because it seems to us that if our understanding of the court's reasoning be correct the decision of the present controversy is inevitably foreshadowed. It is true that this is a prosecution under section 2, and not a seizure under section 10; but the difference (if important) is in favor of section 2, for its meaning is not restricted by the words "for sale," and is therefore even broader than the language of section 10. One of the chief objects of the act is declared in section 2, namely, to forbid "*the introduction into any state or territory, &c., &c., of any article of food . . . which is adulterated*"; and while the section does not attempt to punish criminally every method of "introduction" it does punish the method here in question—"any person who shall *ship or deliver for shipment* from any state or territory, &c., &c., shall be guilty of a misdemeanor," &c., and the breadth of the prohibition justifies us at least in refusing to narrow the ordinary meaning of the words that define the crime. Of course the shipment must be in the way of "commerce"; such a limitation is constitutionally necessary; but if the limitation be assumed, no reason is perceived why "shipment" should be construed to mean "shipment for sale." Its ordinary meaning in this connection covers any shipment for any purpose in the course of commerce, and we accept this as the intended scope of the word. And the correctness of such construction seems more probable when we observe that the next penal clause of section 2 should apparently be construed in a similar manner. This clause applies to any person "who shall receive in any state or territory, &c., &c., and, having so received, shall deliver in original unbroken packages . . . or (shall) offer to deliver, to any person any such article so adulterated"—the delivery being punished, whether it be "*for pay or otherwise.*" In other words to receive and deliver offending articles in the course of commerce is indictable whatever the business purpose may be.

The Court of Appeals of the Second Circuit, in *United States vs. 300 Cans*, 189 Fed. 352, has also ruled that, since the *Hipolite* decision at all events, a libel for condemnation need no longer aver that the articles were transported for sale—the food there in question having been shipped from Nebraska by the owner to himself in New York and remaining unsold in original unbroken packages.

The facts of the present dispute are these: The defendant has two places of business, one in New Jersey and one in Pennsylvania. The adulterated tomato paste in question was at the New Jersey house and was shipped to Philadelphia in order to be examined and tested in that city. The test was necessary because a customer in London had sent an order, and the paste, unless it could meet the English standard, would not fill the customer's requirements. It was not to be sold or used for food in Philadelphia, and it was not so sold or used; but, having failed to meet the English test, it was immediately destroyed without attempt to use or sell. The test was not made in New Jersey because facilities for making it there were lacking. The sale would have been completed in Philadelphia, and the shipment for export would have been made from that city, if

the paste had met the English test; and in that event the paste (although it might have been adulterated according to the United States standard) would not have been subject to seizure by this government, if it had been "prepared or packed according to the specifications or directions of the foreign purchaser, &c., &c." (See proviso to section 2.) That an ultimate sale was a possibility when the shipment was made in New Jersey, is not a decisive consideration; for the sale was never made, and of course the goods were never prepared or packed for export. But the English order does have this bearing; it explains why the interstate movement took place, and shows that the reason was a trade or business reason, and therefore that the movement was in the course of commerce.

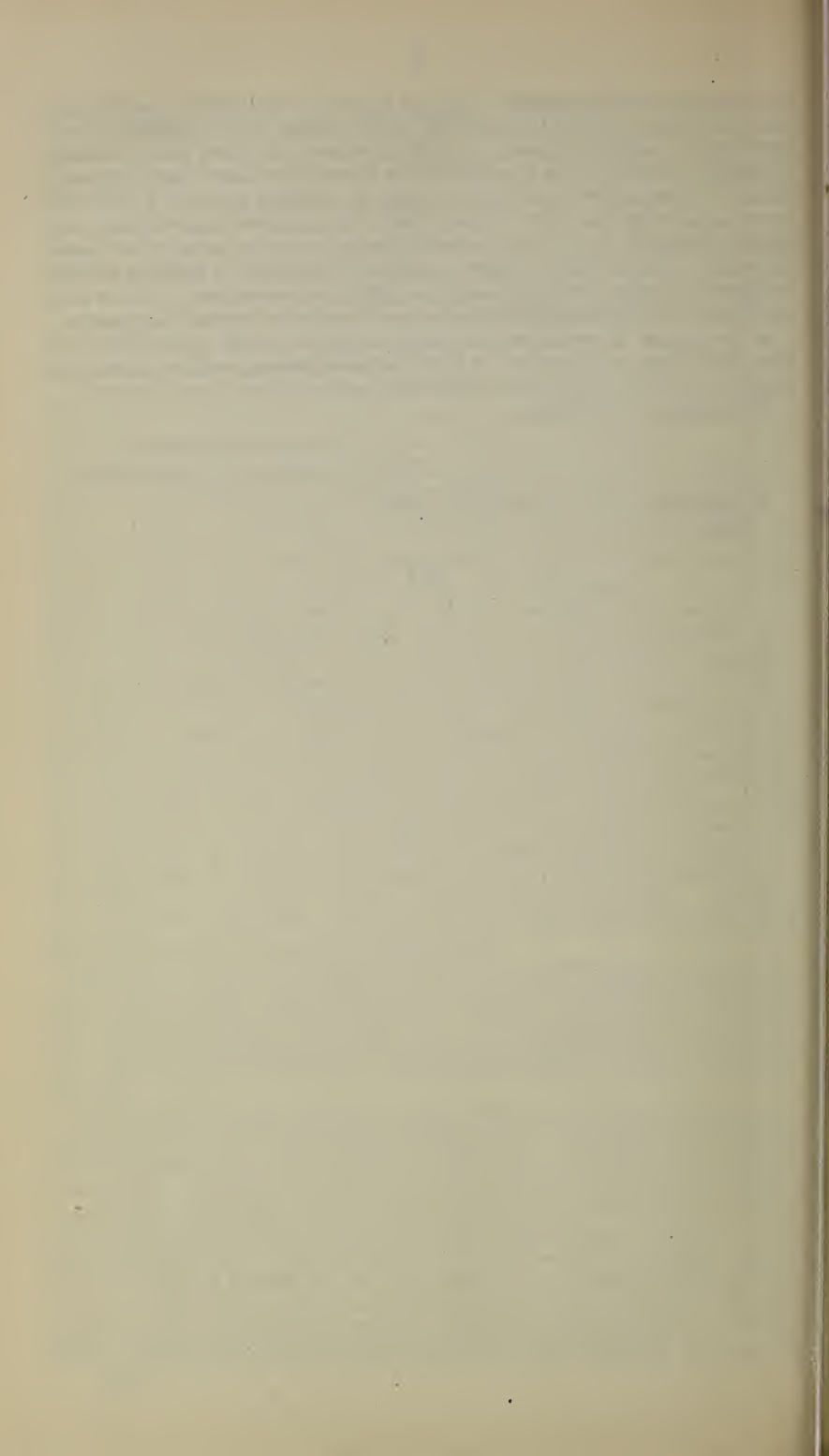
In our opinion it was interstate commerce for the owner to ship the goods from New Jersey to Pennsylvania for a business purpose such as examination and test; and as the goods were adulterated such a shipment was unlawful.

The judgment is affirmed.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 28, 1913.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2457.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. P. E. Sharpless Co. Trial by the court. Finding of guilty. Fine, \$20 and costs.

MISBRANDING OF EVAPORATED MILK.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the P. E. Sharpless Co., a corporation, doing business at Rising Sun, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on October 31, 1911, from the State of Maryland into the State of New Jersey, of a quantity of evaporated milk which was misbranded. The product was labeled: (On tag) "For Olympia Candy Co., 771 Broad Street, Newark, N. J. Prepaid. * * * P. E. Sharpless Co. Evaporated Blended Milk. Rising Sun, Md. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 65.50 per cent; fat, 5.27 per cent; proteins, 11.82 per cent; lactose, etc., by difference, 14.91 per cent; lactose, by polariscope, 15.2 per cent; ash, 2.50 per cent; total solids, 34.50 per cent; per cent fat in solids, 15.27; ratio proteins to fat, 1:0.446. Misbranding of the product was alleged in the information for the reason that it was stated upon the tag attached to the can containing said product that it was evaporated blended milk, which said statement was false and misleading, in that the product was not evaporated blended milk, but was on the contrary merely evaporated skimmed milk. Misbranding was alleged for the further reason that the product was labeled so as to deceive

and mislead the purchaser in that it was labeled "Evaporated Blended Milk," whereas in truth and in fact it was not so, but was on the contrary evaporated skimmed milk.

On January 14, 1913, the case having come on for trial before the court without the intervention of a jury, a finding of guilty was made by the court and a fine of \$20 and costs was imposed.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*

2457



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2458.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. P. E. Sharpless Co. Trial by the court. Finding of guilty. Fine,
\$20 and costs.

ADULTERATION AND MISBRANDING OF EVAPORATED MILK.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the P. E. Sharpless Co., a corporation, doing business at Rising Sun, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on September 22, 1911, from the State of Maryland into the State of Virginia, of a quantity of evaporated milk which was adulterated and misbranded. The product was labeled: (On can) "P. E. S. Co. P. E. Sharpless Co., Philadelphia, Pa. * * *" (On tag) "For H. C. Irving, * * * Norfolk, Va. Return empty to P. E. Sharpless Co. Evaporated Blended Milk, Rising Sun, Md. Cent. Div. P. B. & W. R. R. Over Please rinse and return promptly. Rush Perishable."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 65.98 per cent; fat, 5.26 per cent; proteins, 11.52 per cent; lactose, by difference, 14.91 per cent; ash, 2.33 per cent; total solids, 34.02 per cent; per cent fat in solids, 15.46; ratio proteins to fat, 1:0.45. Adulteration of the product was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been in part abstracted therefrom. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the name of "Evaporated Blended Milk," when as a matter of fact it was not so, but was merely evaporated skimmed milk.

On January 14, 1913, the case having come on for trial without the intervention of a jury, a finding of guilty was made and the court imposed a fine of \$20 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 24, 1913.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2459.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Moses R. Stern. Plea of guilty. Sentence suspended.

ADULTERATION AND MISBRANDING OF EXTRACT OF PEPPERMINT.

On February 5, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moses R. Stern, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 2, 1911, from the State of New York into the State of Pennsylvania, of a quantity of extract of peppermint which was adulterated and misbranded. The product was labeled: "Trade Mark Extract Peppermint Guaranteed under the Food and Drugs Act, June 30th, 1906, Serial No. 2386."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 0.71; ash (grams per 100 cc), 0.007; reducing sugars before inversion (grams per 100 cc), 0.01; reducing sugars after inversion (grams per 100 cc), 0.72; sucrose, from copper reduction (grams per 100 cc), 0.67; alcohol by volume, 37.6 per cent; specific gravity (15.6°/15.6° C.), 0.9578; peppermint oil, less than 0.1 per cent; colored with Naphthol Yellow S. This preparation consists of an extremely dilute solution of peppermint oil. Adulteration of the product was alleged in the information for the reason that there was substituted in part for the genuine substance extract of peppermint, water and alcohol, and for the further reason that water and alcohol had been mixed and packed with the product in such a manner as to reduce, lower, and

injuriously affect its quality and strength, and further, in that the product was colored with Naphthol Yellow S, a coal-tar dye, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading and the product was labeled so as to deceive and mislead the purchaser thereof in that said label would indicate that the product was an extract of peppermint, conforming to the standard in strength and quality as understood by the trade and the public, whereas in truth and in fact it did not conform to the standard as understood by the trade and public for extract of peppermint, but was a highly dilute extract of peppermint, containing less than 0.1 per cent of peppermint oil, whereas the standard for peppermint extract, as understood by the trade and the public, is a product containing not less than 3 per cent of oil of peppermint.

On February 10, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*

2459



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2460.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. P. E. Sharpless Co. Trial by the court. Finding of guilty. Fine,
\$20 and costs.

ADULTERATION AND MISBRANDING OF EVAPORATED MILK.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the P. E. Sharpless Co., a corporation, doing business at Rising Sun, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on September 21, 1911, from the State of Maryland into the District of Columbia, of a quantity of evaporated milk which was adulterated and misbranded. The product was labeled: (On tag) "For Anton Fischer, 523 4½ St., S. W., Washington, D. C. Collect. * * * Evaporated Blended Milk, Rising Sun, Md. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 66.78 per cent; fat, 5.27 per cent; proteins, 10.78 per cent; lactose etc., by difference, 14.75 per cent; ash, 2.42 per cent; total solids, 33.22 per cent; per cent fat in solids, 15.86; ratio proteins to fat, 1: 0.489. Adulteration of the product was alleged in the information for the reason that a certain valuable constituent thereof, to wit, butter fat, had been in part abstracted therefrom. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the name of "Evaporated Blended Milk", when, as a matter of fact, it was not evaporated blended milk, but was merely evaporated skimmed milk.

On January 14, 1913, the case having come on for trial before the court without the intervention of a jury, a finding of guilty was made by the court and a fine of \$20 was imposed, with costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 24, 1913.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

1704

By Authority, Printed for J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

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By Authority, Printed for J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2461.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 25 Cases of Tomato Catsup. Decree of condemnation by default.
Goods destroyed.**

ADULTERATION AND MISBRANDING OF CATSUP.

On June 13, 1912, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 24 bottles of tomato catsup, remaining unsold in the original unbroken packages and in possession of the Larson Bros. Wholesale Grocery Co. (Inc.), Kansas City, Kans., alleging that the product had been shipped on or about May 20, 1912, by the Neosho Grocery Co., Neosho, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. 12 oz. Neosho Brand Catsup. Packed by Neosho Canning Co., Neosho, Mo." (On bottles) "Neosho Brand Superior Catsup. Contents: Salt, Ripe Tomatoes, Sugar, Spice, Onions, Distilled Vinegar, and $\frac{1}{10}$ of one per cent Sodium Benzoate. Packed by Neosho Canning Co., Neosho, Mo."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, putrid, and decomposed vegetable substance and was unfit for food. Misbranding was alleged for the reason that the quotations, wording, and design on the label upon each of the bottles of the product conveyed the impression that

it was manufactured from superior stock and was of first quality, when, in truth and in fact, it contained excessive amounts of molds, yeasts, and spores, and other bacterial organisms, and were calculated to mislead the purchaser and were therefore false and misleading.

On February 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*

2461



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2462.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Luyties Bros. Plea of guilty. Fine, \$25.

ADULTERATION AND MISBRANDING OF TOM AND JERRY, A CORDIAL.

On February 6, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Luyties Bros., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on November 30, 1910, from the State of New York into the State of Missouri, of a quantity of cordial which was adulterated and misbranded. The product was labeled: "L. N. Chavallier Royal Tom and Jerry A Cordial Ready for Use Rich Delicious Strengthening Guaranteed Under the Pure Food and Drugs Act, June 30, 1906 Luyties Brothers Sole Distributors—New York, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Protein ($\times 6.38$), 3.57 per cent; polarization, direct at 20° C., $+49.0^{\circ}$ V.; polarization, invert at 20° C., $+6.0^{\circ}$ V.; polarization, invert at 87° C., $+15.0^{\circ}$ V.; lecithin P_2O_5 , 0.014 per cent; ether extract, 4.50 per cent. The above analysis shows that the product contains little or no eggs, and that it is artificially colored with a coal-tar dye, a mixture of Naphthol Yellow S No. 4 and Orange I No. 85. This color is added for the purpose of giving the product the appearance of containing eggs, which are normal ingredients of "Tom and Jerry," and it also

conceals the absence of eggs in the product, therefore concealing inferiority. Adulteration of the product was alleged in the information for the reason that there was substituted for the original article, "Tom and Jerry," a product containing a small amount of eggs and colored with a coal-tar dye, the amount of eggs in said product being much smaller than the amount of eggs as understood by the trade and the public to be contained in the article "Tom and Jerry," and it was further adulterated in that it was colored with a mixture of coal-tar dyes, to wit, Orange I and Naphthol Yellow S, so as to resemble in color genuine "Tom and Jerry" containing a proper amount of eggs and in such a manner as to conceal its inferiority. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading, and said product was labeled as aforesaid so as to deceive and mislead the purchaser thereof, in that the label would indicate that it was a product containing the amount of eggs that "Tom and Jerry" is understood by the trade and the public to contain, and that the color thereof was due to the eggs contained therein, whereas, in truth and in fact, it contained a small amount of eggs and was artificially colored with the aforesaid coal-tar dyes in such a manner as to resemble genuine "Tom and Jerry," the color of which was due to the proper amount of eggs present therein.

On February 11, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 26, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2463.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. William C. Field. Plea guilty to charge of adulteration. Fine, \$5.
Charge misbranding nolle prossed.**

ADULTERATION AND ALLEGED MISBRANDING OF TINCTURE OF IODINE.

On February 11, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against William C. Field, trading as Butler & Field, Washington, D. C., alleging the sale by said defendant at the District aforesaid, on May 22, 1912, of a quantity of tincture of iodine which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: "Tincture Iodine,—Poison (skull and cross bones) Absolute Alcohol 90 per cent. by volume Antidote.—Give mixture of Flour or Starch in Water, follow with Emetics, Butler & Field, Pharmacists, Ind. Ave., 3d and D Streets, Washington, D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine, (grams per 100 cc), 5.36; potassium iodide (grams per 100 cc), 2.1; alcohol, 95 per cent. Adulteration of the product was alleged in the first count of the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the time of investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbranding was alleged in the second count of the informa-

tion for the reason that the product was labeled so as to deceive and mislead the purchaser in that the label on the bottle bore the words and phrase "Tincture of Iodine," meaning and importing to the purchaser that the product was a tincture of iodine conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not.

On February 11, 1913, the defendant entered a plea of guilty to the first count of the information and the court imposed a fine of \$5. The second count of the information charging misbranding was nolle prossed.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 26, 1913.*

2463



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2464.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 30 Barrels Vinegar. Decree of condemnation by consent. Goods released on bond.

MISBRANDING OF VINEGAR.

On January 11, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of the Bollinger-Babbage Co. (Inc.), Louisville, Ky., alleging that the product had been shipped on December 30, 1912, by the Ohio Cider Vinegar Co. (Inc.), Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "The Ohio Cider Vinegar Co., Cincinnati. Fermented Apple Vinegar Apple Product Fermented Apple Juice from Apple Waste. Water added in Fermentation to Legal Standard December 12," and each of the barrels was marked with numerals to indicate in terms of measure the number of gallons of vinegar contained therein, two of the barrels being marked "47," ten being being marked "48," nine being marked "49," six being marked "50," two being marked "51," and one being marked "52."

Misbranding of the product was alleged in the libel for the reason that the arabic numerals upon each of the 30 barrels were intended by the manufacturer and shipper and were understood by the public generally and the trade to indicate that each of the barrels contained

the number of gallons indicated by said numerals, and it was and still is the custom of the trade in vinegar in the United States to mark the measure of vinegar shipped in interstate and intrastate commerce by the use of arabic numerals alone without the word or symbol to indicate the word "gallons," and when the contents were so marked in arabic numerals alone such numerals were and still are understood by and among the vinegar trade and the public generally to indicate the contents in gallons of the vinegar contained in such packages, and the product was billed and invoiced and transported in interstate commerce at the number of gallons as aforesaid indicated upon the 30 barrels by the arabic numerals thereon respectively, whereas, in truth and in fact, the actual measure of the vinegar contained in each of the 30 barrels was less than the number of gallons as aforesaid indicated by said arabic numerals marked thereon, that is to say, the contents of each of the 30 barrels was much less than the number of gallons so indicated upon the barrels respectively, to wit, more than 10 per cent less.

On February 11, 1913, the said Ohio Cider Vinegar Co. having filed its claim for the product and given bond for costs and consented to the submission of the case to the court, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon the execution of bond in the sum of \$200, in conformity with section 10 of the Act, and the payment of the costs of the proceedings, amounting to \$27.50.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 26, 1913.*

2464



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2465.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. German American Specialty Co. Tried to a jury. Verdict guilty. Fine, \$25.

ADULTERATION OF "EGG FOR CUSTARD."

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the German American Specialty Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 2, 1910, from the State of New York into the State of Connecticut, of a quantity of "Egg for Custard" which was adulterated. The product bore no label, but was invoiced and sold as "Egg for Custard."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 8.2 per cent; proteids (nitrogen \times 6.38), 40.6 per cent; ether extract, 15.1 per cent; ash, 5.8 per cent; sugars calculated as lactose, 22.5 per cent. This product appears to be a mixture of dried eggs and skim milk powder. Adulteration of the product was alleged in the information for the reason that a certain substance other than "Egg for Custard," to wit, skimmed milk, had been substituted in part for the article "Egg for Custard."

On February 14, 1913, the case having come on for trial before the court and a jury, after the hearing of testimony and argument by counsel the following charge was delivered to the jury by the court (Martin, J.):

Mr. Foreman and gentlemen of the jury, this indictment rests upon a provision of what is called the Pure Food Act, which was passed and approved by the Federal Government on June 30th, 1906, and which prohibits a substituting of any article wholly or in part for the article as designated in its trade-marking. That is the meaning of the statute upon which this indictment rests.

The indictment says that this defendant company manufactured a certain article of food which article of food bore no label, and was shipped and sold as being an article of food known as egg for custard, which said article shipped as aforesaid was adulterated,

in that a certain substance other than egg for custard, to wit, skim milk had been substituted. So in order to convict this defendant, it must come under clause second—if any substance has been substituted wholly or in part for the article, as being a misdemeanor under the statute.

There is a clause before that, as to reducing the strength of any article by having something else in it, but that does not apply to this indictment.

So the question for you to say is whether the defendant has willingly and wilfully substituted an article under the wrong designation, and brought itself within this statute. That is a question of fact for you to dispose of.

As to the degree of culpability, that is for the Court, if you find it guilty at all.

This defendant is entitled to the same rights that you and I should have, if we were charged with a crime, and that is, that we are not to be convicted unless the evidence establishes beyond a reasonable doubt the charge alleged against us.

Take the case.

Thereupon the jury retired and afterwards brought in a verdict of guilty and the court imposed a fine of \$25.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 12, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2466.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 3 Barrels Temperance Beer. Decree of condemnation by default.
Goods ordered destroyed.**

ADULTERATION AND MISBRANDING OF TEMPERANCE BEER.

On July 16, 1912, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing 120 bottles of temperance beer, remaining unsold in the original unbroken packages and in possession of the Peoples Restaurant, West Newton, Pa., alleging that the product had been shipped on or about July 11, 1912, by the Wheeling Specialty Bottlery Co., Wheeling, W. Va., and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed Pure and Healthful Wheeling Specialty Bottlery Co. Wheeling, — West Va. Ten Dozen small Bottles Atlas Cream Top Malt Fermented Malt Beverage Temperance Beer No credit can be given if this label is removed For Peoples Restaurant West Newton Pa."

Adulteration of the product was charged in the libel for the reason that a certain substance, to wit, beer, had been substituted wholly or in part for temperance beer. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of temperance beer, whereas in fact it was not temperance beer, but was in fact beer.

On January 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 27, 1913.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2467.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Hudson Manufacturing Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On November 5, 1910, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information, and on February 21, 1913, an amended information, against the Hudson Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 8, 1909, from the State of Illinois into the State of Texas, of a quantity of so-called vanilla extract which was adulterated and misbranded. The product was labeled: "Mexican Vanilla Tonka Extract, Hudson Mfg. Co., Chicago, U. S. A." with a shipping tag covering the words "Tonka" on the said label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity (15.6° C./15.6° C.), 1.0218; solids, 10.08 per cent; vanillin, 0.64 per cent; coumarin, 0.08 per cent; coumarin, qualitative tests, positive; caramel, amyl alcohol test, present. Adulteration of the product was alleged in the information for the reason that an imitation of vanilla extract containing vanillin, coumarin, and artificial coloring matter in solution had been mixed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further for the reason that an imitation of vanilla extract containing vanillin, coumarin, and artificial coloring matter in solution had been substituted in part for the product labeled "Mexican Vanilla Tonka Extract."

Adulteration was alleged for the further reason that the product was artificially colored in a manner whereby inferiority was concealed, in that the artificial coloring matter aforesaid gave to the imitation vanilla extract the color of genuine vanilla extract. Misbranding of the product was alleged for the reason that it was an imitation of another article of food, to wit, pure vanilla extract, in that it contained vanillin, coumarin, and dilute alcohol artificially colored, and further it was offered for sale under the distinctive name of another article of food, to wit, pure vanilla extract. Misbranding was alleged for the further reason that the product was labeled as set forth above, which said statement in the label was false and misleading, in that it represented to the purchaser that the product was a genuine vanilla extract conforming to the commercial standard for such article, to wit, a flavoring extract prepared from vanilla bean with or without sugar or glycerine and containing in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean, whereas, in truth and in fact, it contained not to exceed 2 grams of the vanilla bean in 100 cubic centimeters thereof. It was further alleged that the aforesaid statement in the label was false and misleading, in that it represented to the purchaser that the product was a genuine vanilla tonka extract, and that the vanilla extract contained therein, to wit, the vanilla tonka extract aforesaid, conformed to the commercial standard for such an article of food, to wit, a flavoring extract prepared from vanilla bean with or without sugar or glycerine and containing in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean in 100 cubic centimeters thereof, whereas, in truth and in fact, it contained not to exceed 2 grams of the vanilla bean in 100 cubic centimeters thereof.

On February 20, 1913, the case having come on for trial, at the conclusion of the introduction of evidence by the Government, the defendant withdrew its former plea of not guilty and entered a plea of guilty, and thereupon the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 27, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2468.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Hudson Manufacturing Co. Tried to a jury. Verdict guilty. Fine, \$50 and costs.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On December 7, 1910, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on February 20, 1913, an amended information, against the Hudson Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 6, 1910, from the State of Illinois into the State of Texas, of a quantity of so-called vanilla extract which was adulterated and misbranded. The product was labeled: "Prime Vanilla Extract, made from the extractive matter of prime vanilla beans, sweetened with cane sugar, aged in wood, made by the Hudson Mfg. Co., Chicago, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Vanillin, 0.52 per cent; coumarin, slight trace, if any; resins, trace; color, caramel. Adulteration of the product was alleged in the information for the reason that an imitation of vanilla extract containing vanillin and artificial coloring matter in solution had been mixed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further for the reason that an imitation of vanilla extract containing vanillin and artificial coloring matter in solution had been substituted in part for the product, and further for the reason that the product was artificially colored in a manner whereby inferiority was concealed, in that the artificial coloring matter aforesaid gave to the imitation vanilla extract the color of genuine vanilla extract. Misbranding was alleged for the reason that the product was an imitation of another article of food, to wit, pure vanilla extract, in that said product contained vanillin and alcohol artificially colored, and for the further reason that said product was offered for sale under the distinctive name of another article of food, to wit, pure

vanilla extract. Misbranding was alleged for the further reason that the product was labeled as set forth above, which said statement in the label was false and misleading, in that it represented to the purchaser that the product was a genuine vanilla extract conforming to the commercial standard for such an article of food, to wit, a flavoring extract prepared from vanilla bean with or without sugar or glycerin and containing in 100 cc the soluble matters from not less than 10 grams of the vanilla bean, whereas, in truth and in fact, it contained not to exceed 2 grams of the vanilla bean in 100 cc thereof.

On February 21, 1913, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (A. B. Anderson, J.):

GENTLEMEN OF THE JURY: This is a criminal case, and you are the judges of the weight of the evidence and the credibility of the witnesses. You are the exclusive judges of all the facts. You are bound by the law as given to you by the court.

The defendant is presumed to be innocent until it is proved guilty by the government's evidence beyond all reasonable doubt. Reasonable doubt, as I said yesterday, is just what the word "reasonable" means, which is as the term implies, a *reasonable* doubt. It is not a captious or capricious doubt. It is not a doubt suggested by the ingenuity of counsel or by your own ingenuity, but it is as the term implies, a reasonable doubt, which is engendered by the evidence or the want of evidence. You, as reasonable men, understand what that means. You are the judges, as I said, of the weight of the evidence and the credibility of the witnesses. In determining what weight you shall give to any testimony of any witness, you have a right to take his knowledge, or want of knowledge, into consideration, about the thing about which he testifies—his appearance and manner and bearing on the stand, and particularly his interest, or want of interest, in the result of the suit. These are the general principles by which you are to determine questions of this kind.

Now, gentlemen, there is just one question for you to determine—one question of fact, and that is, whether or not the government has established, according to the standards that the evidence has disclosed to you, that there was added vanillin to this product which was branded as the testimony shows. Now, that this barrel, or half barrel, of stuff that was sent to Texas contained more vanillin than is ordinarily contained in a pure extract of vanilla, there is no dispute; the witnesses on both sides agree as to that. The question is whether or not it was added in the form of vanillin—what is called the synthetic product or artificial product—as is claimed by the government, or whether or not this increased vanillin was due to the use of two and a half times, practically, of the amount of vanilla beans which is ordinarily used in the production of the extract of vanilla. That is the question for you to decide. Now it may be that this vanillin was there by reason of either one of these two theories. Either the manufacturer, the defendant here, manufactured this from the ordinary amount of vanilla beans, or less; that is to say, one pound, or thirteen ounces I believe it is, to about a gallon of the dissolved fluid which is partly alcohol and partly water, and the added amount of vanillin that was in this product was put in there, as it is averred in the information, by the defendant—and in which case the article was adulterated within the law and misbranded within the law—or it was manufactured as claimed by the defendant, that is to say, it was made by using two and a half times as much vanilla beans as is ordinarily used, or is necessary to be used, or it is proper to be used, under the standards which have been testified to here.

Now gentlemen of the jury, you are practical men, and when you go into the jury box you do not lose or set aside your practical knowledge of affairs, nor you are not to lose sight of the motives which ordinarily influence men in their acts, and when you come to decide which way this thing was it is for you to determine which way it happened. You will take into consideration the fact, as shown by the evidence, that this was a commercial article. It was manufactured for the market and sold in the market. And, of course, you know that one of the principal facts or circumstances surrounding the manufacture of an article is the cost of it. If, as appears in evidence, this is manufactured as claimed by the defendant, it cost two and a half times as much to make it as if it were made according to the standards which have been testified to here. On the other hand, if it was made as claimed by the government, it was made much cheaper than the standards testified to here. You will take those things into consideration.

It has been said here that the witnesses for the government, the expert chemists, admitted that they did not know and could not tell whether or not it is artificial vanillin added, "how can you tell if they can't tell." That is the very thing you are here for. These witnesses spoke as chemists. They stated it as chemists. They could only state it was there; that they found it; that they could not say from the fact it was there how it got there. But you are to take the facts that are there, coupled with the explanation on both sides as to how it might have got there, and determine yourself what the actual fact is.

If you find that this extract was made by adding what is called here artificial vanillin, then your verdict should be guilty; We, the jury, find the defendant guilty as charged. If you find the facts to be that this was made by using two and a half the amount of vanilla beans ordinarily used or is used in making this standard vanilla extract, notwithstanding the fact that it cost two and a half times as much—if you find that is the way it was done, then your verdict should be, We, the jury, find the defendant not guilty. In either event your verdict should be signed by the foreman and returned into court.

Thereupon the jury retired and after due deliberation returned a verdict of guilty and the court imposed a fine of \$50 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 12, 1913.*

The first part of the paper is devoted to a general
discussion of the subject. It is shown that the
theory of the subject is not yet complete, and
that there are many points which require further
investigation. The author then proceeds to a
detailed examination of the various theories which
have been proposed, and shows that none of them
is entirely satisfactory. He then proposes a new
theory, which he claims to be more complete and
more satisfactory than any of the others. The
author then proceeds to a detailed examination of
the various theories which have been proposed, and
shows that none of them is entirely satisfactory.

The second part of the paper is devoted to a
detailed examination of the various theories which
have been proposed. It is shown that none of
them is entirely satisfactory. The author then
proposes a new theory, which he claims to be
more complete and more satisfactory than any of
the others. The author then proceeds to a
detailed examination of the various theories which
have been proposed, and shows that none of
them is entirely satisfactory. The author then
proposes a new theory, which he claims to be
more complete and more satisfactory than any of
the others.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2469.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Spielman Bros. Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION AND MISBRANDING OF VINEGAR.

On January 26, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielman Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on July 13, 1910, from the State of Illinois into the State of Iowa, of a quantity of vinegar which was adulterated and misbranded. The product was labeled: "John T. Hancock Company. Faultless Pure Cider Vinegar. 48 Gals., Dubuque, Iowa. Guaranteed cider vinegar; 4½ per centum; the Spielman Bros. Company Mfg. 361."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Solids (grams per cc)-----	1.77
Ash (grams per cc)-----	.40
Reducing sugars (grams per cc)-----	.72
Non-sugar solids (grams per cc)-----	1.05
Pentosans (grams per cc)-----	.11
Alcoholic precipitate (grams per cc)-----	.14
Total acidity as acetic (grams per cc)-----	4.62
Volatile acidity as acetic (grams per cc)-----	4.61
Fixed acidity as malic (grams per cc)-----	.01
Alkalinity of soluble ash (cc N/10 HCl per 100 cc)-----	42.0
Soluble P ₂ O ₅ (milligrams per 100 cc)-----	17.4
Insoluble P ₂ O ₅ (milligrams per 100 cc)-----	10.3
Polarization (200 millimeter tube) (°V)-----	-1.1
Color removed by fuller's earth (per cent)-----	54.0
Sugar in total solids (per cent)-----	40.67
Brewer's scale reading (½-inch cell)-----	4.0
Lead acetate precipitate, medium, flocculent.	
Ratio of ash to non-sugar solids-----	1:2.7

Adulteration of the product was alleged in the information for the reason that it consisted mainly of a dilute solution of acetic acid, or distilled vinegar, mixed with ash material in imitation of genuine cider vinegar, and further, in that an article known as dilute solution of acetic acid, or distilled vinegar and ash material, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further, in that a solution of acetic acid and distilled vinegar and ash material had been substituted in part for the article. Misbranding was alleged for the reason that the product was an imitation of another article, to wit, pure cider vinegar, and further, that the product was labeled so as to deceive and mislead purchasers thereof in that each of the barrels was labeled as aforesaid, which said inscription tended to mislead and deceive purchasers of the product into the belief that it was a pure apple cider vinegar, whereas, in truth and in fact, it was not a pure apple cider vinegar, but was an imitation thereof prepared with acetic acid or distilled vinegar and ash material in imitation of genuine apple cider vinegar.

On February 21, 1913, the defendant company withdrew its former plea of not guilty and entered a plea of guilty and the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 28, 1913.*

2469



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2470.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Sethness Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION OF CONCENTRATED PEACH FLAVOR, STRAWBERRY OIL, PINEAPPLE OIL, AND BANANA OIL.

On January 26, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sethness Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 13, 1910, from the State of Illinois into the State of Texas—

(1) Of a quantity of concentrated peach flavor which was adulterated. The product was labeled: "Peach Concentrated. Non-pareil Brand. Sethness Company, Chicago."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Non-volatile matter (grams per 100 cc), 0.23; volatile acids as acetic (grams per 100 cc), 0.12; volatile esters as ethyl acetate (grams per 100 cc), 0.53; specific gravity (15.6° C./15.6° C.), 0.9157; alcohol (per cent by volume calculated from specific gravity), 59.1; vanillin (grams per 100 cc), 1.42; vanillin (qualitative test), present; color, Amaranth and Naphthol Yellow S.; odor, ethereal, and unlike peach. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, an imitation peach extract, consisting of a dilute solution of alcohol and vanillin and a non-volatile matter colored with coal-tar dyes, which said substance, to wit, the imitation peach extract, had been substituted in whole for concentrated peach extract, and the product was an article inferior to the genuine concentrated peach extract and was colored with coal-tar dyes known as Amaranth and Naphthol Yellow S in a manner whereby its inferiority was concealed.

(2) Of a quantity of strawberry oil which was adulterated. This product was labeled: "Strawberry Oil. Non-pareil Brand. Sethness Company, Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Non-volatile matter

(grams per 100 cc), 0.60; volatile acids as acetic (grams per 100 cc), 0.06; volatile esters as ethyl acetate (grams per 100 cc), 61.0; specific gravity (15.6° C./15.6° C.), 0.8803; color, nonfluorescent, oil and spirit soluble red; odor, strong ethereal, suggests ethyl acetate, and amyl acetate, entirely unlike strawberry. Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, an imitation strawberry oil, synthetically prepared, containing no strawberries and no oil of strawberries, had been substituted wholly for the article of food, to wit, strawberry oil.

(3) Of a quantity of pineapple oil which was adulterated. This product was labeled: "Pineapple Oil. Non-pareil Brand. Sethness Company, Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Non-volatile matter (grams per 100 cc), 0.01; volatile acids as acetic (grams per 100 cc), 0.03; volatile esters as ethyl acetate (grams per 100 cc), 61.4; specific gravity (15.6° C./15.6° C.), 0.8762; colorless; odor, strong ethereal, rather suffocating, suggests amyl acetate, entirely unlike pineapple. Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, an imitation pineapple oil, synthetically prepared and containing no pineapples and no oil of pineapple, had been substituted wholly for the product, to wit, pineapple oil.

(4) Of a quantity of banana oil which was adulterated. This product was labeled: "Banana Oil. Non-pareil Brand. Sethness Company, Chicago."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Non-volatile matter (grams per 100 cc), 0.02; volatile acids as acetic (grams per 100 cc), 0.54; volatile esters as ethyl acetate (grams per 100 cc), 47.4; specific gravity (15.6° C./15.6° C.), 0.8700; colorless; odor, strong ethereal, suggests amyl acetate and amyl alcohol. Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, an imitation banana oil, synthetically prepared and containing no bananas and no oil of bananas, had been wholly substituted for the article, to wit, banana oil.

On February 21, 1913, the defendant company withdrew its former plea of not guilty and entered a plea of guilty and the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2471.

Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. D. B. Scully Syrup Co. Tried to a jury. Verdict of not guilty by direction of court.

ALLEGED MISBRANDING OF SORGHUM.

On July 27, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Daniel B. Scully and Maurice H. Scully, copartners, doing business as the D. B. Scully Syrup Co., Chicago, Ill., alleging the sale by said defendants on April 1, 1910, under a written guaranty given before the time of said sale and delivery, of a quantity of a product known as Loverin's Sorghum, which was alleged to have been misbranded in violation of the Food and Drugs Act. The guaranty aforesaid was in words and figures as follows, to wit:

Food Guaranty

The undersigned D. B. Scully Syrup Company of Chicago, state of Illinois, United States of America, does hereby warrant and guarantee unto Loverin & Browne Co., a corporation, having office at Chicago, Illinois, that any and all articles of food or drugs, as defined by the Act of Congress approved June 30, 1906, entitled "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," which the undersigned has sold since October 1st, 1906, or shall at any time hereafter prepare, manufacture for, sell or deliver to said Loverin & Browne Co., will comply with all the provisions of said act of Congress and are not and shall not be in any manner adulterated or misbranded within the meaning of said Act.

It is expressly understood that this shall be a continuing guaranty until notice of revocation be given in writing and notice of acceptance of the guaranty is hereby waived.

Dated at Chicago this 31st day of December, 1906.

D B SCULLY SYRUP Co. Seal
M. H. SCULLY Seal

The information alleged that said guaranty had not been revoked at the time of said sale and delivery, but was then in full force and effect.

On April 2, 1910, and July 19, 1910, without having changed the product in any particular, save repacking, the purchaser thereof shipped quantities of the same from the State of Illinois into the Territory of New Mexico in violation of the Food and Drugs Act. The product was labeled: "1 Gal. Loverin's Sorghum Loverin & Browne Co., Chicago, Ill."

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results:

	Sample No. 1.	Sample No. 2.
Solids (per cent).....	73.3	77.7
Nonsugar solids (per cent).....	10.1	6.9
Sucrose, Clerget (per cent).....	38.7	40.1
Reducing sugars as invert (per cent).....	24.5	30.7
Ash (per cent).....	2.6	3.57
Measure (gallon).....	.845	.914
Measure of second sample (gallon).....		.874
Shortage (per cent).....	15.5	8.6

Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, and the statement in the label was false and misleading, in that it purported to state the contents of each of the cans in terms of measure, to wit, that each of the cans contained one gallon of Loverin's sorghum, whereas, in truth and in fact, each of the cans did not contain one gallon of the product, but a much less amount, to wit, 0.845 of a gallon thereof.

On February 18, 1913, the case having come on for trial before the court and a jury, after the submission of evidence the following charge directing a verdict of not guilty was delivered to the jury by the court (A. B. Anderson, J.):

I might explain to you gentlemen here that this is an Act of Congress, and Congress has no right to legislate on this pure food question except so far as it affects interstate commerce. We all understand that. And, now, there isn't any showing here at all, passing by some other questions, that the Scully Syrup Company, defendant, had anything whatever to do with the shipment. The evidence showed that the Scully Syrup Company made this for Loverin & Browne Company and that Loverin & Browne Company shipped it, so that they have got the wrong defendant here. The government undertakes to claim that by reason of the statute which provides that the dealer shall be immune when the manufacturer guarantees to him that the article is not misbranded—that in that case the dealer is out, Loverin & Browne Company, and that the other people are in. That does not relieve the government of the responsibility of proving some connection with the shipment by the Scully Syrup Company. And in the next place, the guarantee set forth is no guarantee at all. The guarantee is no guarantee at all under the statute. It isn't anything in the world but a promise that in the future—made six years ago—they will not violate the law. Let the record show a verdict of not guilty.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 12, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2472.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 3, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging the sale by said defendant, under a guaranty, on February 21, 1910, of a quantity of vinegar, which was adulterated and misbranded in violation of the Food and Drugs Act. The information alleged that said product, without having been changed in any particular except that it was repacked in bottles, was, on March 17, 1910, shipped by the purchaser from the State of Illinois into the State of Oklahoma, in violation of said act. The product was labeled: "Red Jacket Cider Vinegar, Reid, Murdock & Co., Distributors."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 2.0; nonsugar solids (grams per 100 cc), 0.876; reducing sugars invert (grams per 100 cc), 1.12; sugar in solids (per cent), 56.1; polarization direct, -2.0° V.; ash (grams per 100 cc), 0.32; alkalinity soluble ash (cc N/10 acid per 100 cc), 37.6; soluble phosphoric acid (mg per 100 cc), 9.5; insoluble phosphoric acid (mg per 100 cc), 6.9; acid, as acetic (grams per 100 cc), 4.2; volatile acid, as acetic (grams per 100 cc), 4.2; fixed acid, as malic, none; lead precipitate, rather heavy; color removed by fuller's earth, 56.0 per cent; alcohol precipitate (grams per 100 cc), 0.067; pentosans (grams

per 100 cc), 0.0722. All measurements made at 20° C. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a dilute solution of acetic acid, otherwise known as distilled vinegar, and a product containing a high percentage of reducing sugars which had been manufactured in imitation of pure apple cider vinegar was substituted wholly for the product. Adulteration was alleged for the further reason that a certain substance, to wit, apple cider vinegar and a solution of acetic acid, otherwise known as distilled vinegar, fortified with apple cider which had been manufactured in imitation of genuine apple cider vinegar, was substituted wholly for the product. Misbranding was alleged for the reason that the product was labeled as set forth above, which said label purported to state that the product was a genuine apple cider vinegar, whereas, in truth and in fact, it was not a genuine apple cider vinegar but consisted of apple cider and a solution of acetic acid, otherwise known as distilled vinegar, fortified with apple cider in imitation of pure apple cider vinegar.

On February 21, 1913, the defendant company withdrew its former plea of not guilty and entered a plea of guilty to the information and the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 28, 1913.*

2472



Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2473.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Scudder Syrup Co. Tried to a jury. Verdict guilty. Fine, \$50 and costs.

MISBRANDING OF SYRUP.

On July 27, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Scudder Syrup Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 21, 1910, from the State of Illinois into the State of Tennessee, of a quantity of Scudder's Canada Syrup which was misbranded. The product was labeled: (On case) "Two Doz. Purity Quarts Scudder's Canada Syrup, Imported only by Scudder Maple Syrup Company, Chicago, Illinois, Full Measure."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids, refractometer, 66.74 per cent; nonsugar solids, 2.32 per cent; sucrose, Clerget, 58.6 per cent; reducing sugars as invert, total, 67.81 per cent; commercial glucose (factor 163), none; polarization direct (21.5° C.), 58.1° V.; polarization invert (21.5° C.), -19.2° V.; polarization invert (87° C.), 0.0; ash, 0.231 per cent; lead precipitate (Winton number), 0.36; total sugar as sucrose, 64.42 per cent; capacity (1), 890 cc; (2), 875 cc; (3), 870 cc; average 3 cans, 878.3 cc; shortage, 68 cc, 7.2 per cent. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which said statement on the label attached to the case

containing said product was false and misleading in that it purported to state the contents of each of the cans in terms of measure, to wit, that each of the cans contained one quart of Scudder's Canada Syrup, whereas, in truth and in fact, each did not contain one quart of the product, but a much less amount, to wit, 93.8 per cent of a quart. Misbranding was alleged for the further reason that said statement on the label deceived and misled the purchaser into the belief that each of the cans contained one quart of Scudder's Canada Syrup, whereas, in truth and in fact, each did not contain one quart of said product, but a much less amount, to wit, 93.8 per cent thereof. Misbranding was alleged for the further reason that the aforesaid statement on the label purported to correctly state the contents of each of the cans in the case in terms of measure, to wit, that each of the cans contained one quart of Scudder's Canada Syrup, whereas, in truth and in fact, the contents of each of the cans was not correctly stated on the outside of the case for the reason that each of said cans did not contain one quart of the product, but a much less amount, to wit, 93.8 per cent of a quart thereof.

On February 18, 1913, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel the following charge was delivered to the jury by the court (A. B. Anderson, J.):

GENTLEMEN OF THE JURY: This is a criminal case, and you are the judges of the weight of the evidence and the credibility of the witnesses. You are the exclusive judges of all the facts. You are bound by the law as given to you by the court.

The government has charged that the defendant shipped in interstate commerce a box or case labeled: "Two Doz. Purity Quarts Scudder's Canada Syrup, Imported only by Scudder Maple Syrup Company, Chicago, Illinois, Full Measure."

Now the government has established that that case was shipped in interstate commerce,—as it was, and that the case was labeled as set forth in the information. You are not bound by any expression of opinion, and you are the exclusive judges of the facts and the evidence, to-wit: of the testimony and credibility of witnesses. Now the government, subject to that, has shown here that the defendant did ship a case labeled as I have stated. The government also has shown, and there is no dispute about it, that 3 of these cans did not contain a full quart. In this case the defendant is presumed to be innocent,—and that presumption stays with the defendant throughout the trial,—and it is a perfect defense, until the government overcomes it beyond all reasonable doubt. Reasonable doubt is just what the word "reasonable" means, which is as the term implies, a *reasonable* doubt. It is not a captious or capricious doubt. It is not a doubt suggested by the ingenuity of counsel or by your own ingenuity, but it is as the term implies, a reasonable doubt, which is engendered by the evidence or the want of evidence. You, as reasonable men, understand what that means. You are the judges, as I said, of the weight of the evidence and the credibility of the witnesses. In determining what weight you shall give to any testimony of any witness, you have a right to take his knowledge, or want

of knowledge, into consideration, about the thing about which he testifies,—his appearance and manner and bearing on the stand, and particularly his interest, or want of interest, in the result of the suit. These are the general principles by which you are to determine questions of this kind.

Now, gentlemen, the question for you to determine, is this,—whether or not this label was false, and of course that must mean it was specifically false. If the case or box contained 24 cans, each of which contained specifically a quart, then of course the defendant is not guilty. The evidence here shows cans will hold a quart.

Now, gentlemen of the jury the evidence of the defendant here is that this has to be put in here heated, and that it necessarily shrinks some. I instruct you that this is no defense. If they represent on the case,—as they did in this case, that 2 dozen purity quarts are contained therein, it means quarts of a gallon,—they represent by that label that there was in each of these cans a full quart, and that means at the time, of course, that it was shipped, and if it has to be put in hot, and after that shrinks, then the defendant ought to put in enough so there would still be a quart.

Now that this matter is before you, you will determine whether or not there has been a violation of this statute. You are simply to determine this one question,—whether or not these defendants did ship these in interstate commerce when it was misbranded. Now the fact that the government is on one side and a citizen on the other, has nothing to do with this case. The government, when it comes to a lawsuit, is just exactly in the same position as any other litigant. If you have any reasonable doubt as to whether or not there has been a specific violation here, it is your duty to find the defendant not guilty.

If you find for the government, the form of your verdict, will be:

We, the Jury, find the defendant guilty, signed by your Foreman.

If you find for the defendant, the form of your verdict, will be:

We, the Jury, find the defendant Not Guilty, also signed by your Foreman, and return to the court.

Thereupon the jury retired and after due deliberation returned a verdict of guilty and the court imposed a fine of \$50 and costs.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 12, 1913.*

The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. The second part of the paper is devoted to a discussion of the various theories of the origin of life. It is shown that the most plausible theory is that of spontaneous generation. The third part of the paper is devoted to a discussion of the various experiments which have been conducted in order to test the theory of spontaneous generation. It is shown that the results of these experiments are in favor of the theory of spontaneous generation. The fourth part of the paper is devoted to a discussion of the various objections which have been raised against the theory of spontaneous generation. It is shown that these objections are not valid. The fifth part of the paper is devoted to a discussion of the various applications of the theory of spontaneous generation. It is shown that the theory has many important applications in the fields of biology, chemistry, and physics. The sixth part of the paper is devoted to a discussion of the various conclusions which can be drawn from the theory of spontaneous generation. It is shown that the theory is one of the most important and most difficult in the history of science.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2474.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION OF VINEGAR.

On October 10, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 19, 1910, from the State of Illinois into the State of Indiana, of a quantity of vinegar which was adulterated. The product was labeled: "Guaranteed Cider Vinegar 6 Per Centum Spielman Bros. Co., Mfrs. 5727".

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 2.35; polarization, -2.01° V.; reducing sugars direct (grams per 100 cc), 1.09; reducing sugars invert (grams per 100 cc), 1.10; ash (grams per 100 cc), 0.41; water insoluble ash (grams per 100 cc), 0.02; alkalinity of water soluble ash (cc N/10 acid per 100 grams), 40.0; water soluble P_2O_5 (mg per 100 cc), 25.3; water insoluble P_2O_5 (mg per 100 cc), 6.0; total acid, as acetic (grams per 100 cc), 6.20; fixed acid, as malic (grams per 100 cc), 0.016; color ($\frac{1}{2}$ -inch cell, Brewer's scale), 7.0; pentosans (grams per 100 cc), 0.13; alcoholic precipitate (grams per 100 cc), 0.14; glycerol (grams per 100 cc), 0.11. Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute

solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars prepared in imitation of genuine cider vinegar, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that a certain liquid preparation, to wit, a dilute solution of acetic acid, known as distilled vinegar, and a product containing a high percentage of reducing sugars, which had been manufactured in imitation of pure apple cider vinegar, was substituted wholly or in part for the product. Adulteration was alleged for the further reason that a certain liquid preparation, to wit, apple cider vinegar and a dilute solution of acetic acid, otherwise known as distilled vinegar, fortified with apple cider, which had been manufactured in imitation of genuine apple cider vinegar, was substituted wholly or in part for the product.

On February 21, 1913, the defendant company withdrew its former plea of not guilty and entered a plea of guilty to the information and the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 28, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2475.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. James B. Horner. Plea of guilty. Sentence suspended.

ADULTERATION OF OIL CORIANDER.

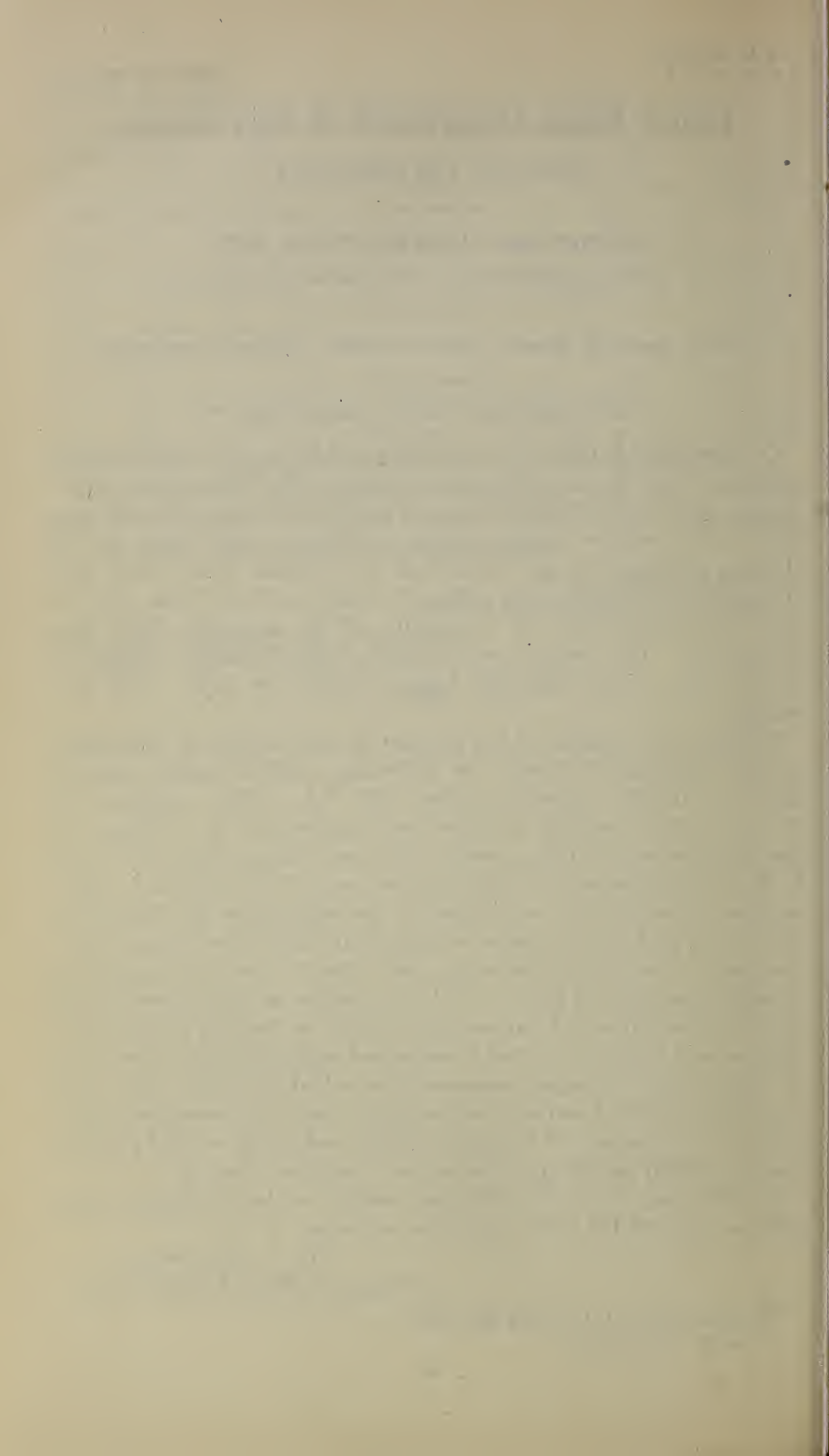
On November 4, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Horner, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 4, 1911, from the State of New York into the State of Pennsylvania, of a quantity of oil coriander which was adulterated. The product was labeled: "Oil Coriander, James B. Horner, New York, Guaranty Legend, Serial No. 1148. 1 lb. net-weight."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity (25° C.), 0.8763; refractive index (20° C.), 1.4691; rotation (at 20° C.), +25.7°; soluble in 90 per cent alcohol and in 3 volumes 70 per cent alcohol; carvone, present; ketones, 14.2 per cent; oil is not U. S. P.; adulterated with about 20 per cent of caraway oil. Adulteration of the product was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopœia, to wit, oil of coriander, and differed from the standard of strength, quality, and purity of oil of coriander as determined by the tests laid down in said Pharmacopœia official at the time of the investigation and shipment in that it contained approximately 20 per cent of caraway oil, a cheaper substance than oil of coriander, and not a constituent of oil of coriander according to said Pharmacopœia standard, and the standard of strength, quality, and purity of said product was not plainly stated upon the box and container thereof.

On February 24, 1913, defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2476.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Crandall Pettee Co. Plea of guilty. Fine, \$50.

ADULTERATION AND MISBRANDING OF OIL OF CLOVES.

On November 4, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crandall Pettee Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 5, 1910, from the State of New York into the State of Georgia, of a quantity of oil of cloves which was adulterated and misbranded. The product was labeled: "Oil of Cloves. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 1045. The Crandall Pettee Co., Manufacturing Druggists. * * * 40 & 42 Renwick St., New York. Factory, Jersey City, N. J."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 25° C., 0.9944; refractive index at 20° C., 1.4992; rotation at 20° (100 mm.), -0.76°; eugenol by absorption, 89.0 per cent; solution neutral to litmus; phenol test, negative; iodoform test, positive; ethyl alcohol (per cent by volume), 15.6. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of cloves, and differed from the standard of strength, quality, and purity as determined by the test for oil of cloves laid

down in said Pharmacopœia official at the time of investigation and shipment, and although the standard of the product differed from that determined for oil of cloves by the test laid down in said Pharmacopœia, the standard of strength, quality, and purity of said product was not stated upon the box, bottle, and container thereof. Adulteration of the product was alleged for the further reason that a substance, to wit, ethyl alcohol, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further in that a substance, to wit, ethyl alcohol, had been substituted in part for oil of cloves. Misbranding was alleged for the reason that the label upon the product bore a statement, to wit, oil of cloves, which said statement was false and misleading because it would mislead and deceive the purchaser into the belief that the product was oil of cloves, whereas, in truth and in fact, it was a mixture of oil of cloves and alcohol. Misbranding was alleged for the further reason that the product being a drug the present quantity and proportion of alcohol contained therein was not declared and stated on the label and package in which the article was sold. Misbranding was alleged for the further reason that the product being an article of food and an article which enters into the composition of food was labeled and branded oil of cloves in such manner as to mislead and deceive the purchaser, since, in truth and in fact, the product was not composed wholly of oil of cloves, but contained about 15 per cent of ethyl alcohol, the presence of which in the article was not stated on the label and package thereof.

On February 17, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2477.

(Given pursuant to section 4 of the Food and Drugs Act.)

United States v. Thirty Cases of Grenadine Syrup. Libel dismissed by order of the court.

ALLEGED ADULTERATION AND MISBRANDING OF GRENADINE SYRUP.

On April 9, 1912, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of grenadine syrup remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by C. A. Theller Co., New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Giroux Brand Guaranteed Wholesome Artificially Colored Grenadine Syrup. The fac-simile of our signature on this label is your safeguard against spurious imitations. All infringements will be prosecuted to the full extent of the law. Guaranteed by C. A. Theller Co. under the Food and Drugs Act, June 30th 1906. Distributed by C. A. Theller Co., New York."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, a compound sugar syrup, had been substituted wholly or in part for said food. Misbranding was alleged for the reason that the product was labeled and branded "Grenadine Syrup" so as to deceive and mislead the purchaser into the belief that it consisted of grenadine syrup, whereas, in truth and in fact, it was not grenadine syrup.

On August 1, 1912, by consent of both parties, the case came on for hearing before the court without a jury. On August 22 a finding favorable to the claimant was made and the libel was dismissed, as will more fully appear from the following decision by the court (Dodge, J.):

The thirty cases were transported from New York to Boston for delivery to a consignee. The consignee has filed a waiver of its rights in favor of the shipper. The shipper has appeared as claimant and answered the information.

The Bottles contained in the cases seized are labeled "Grenadine Syrup".

The first count of the information charges that the liquor in the bottles is adulterated within the meaning of the Food and Drugs Act of June 30, 1906, in that a compound sugar syrup has been substituted wholly or in part for the food named. The second count charges misbranding within the meaning of said Act, in that the label would deceive and mislead the purchaser into the belief that the food consisted of grenadine syrup, whereas, in truth and in fact, it was not grenadine syrup. The claimant denies that there has been any adulteration within the meaning of the Act, and denying also that there has been any misbranding within the meaning of the Act, expressly says and avers "that said food was in truth and in fact 'Grenadine Syrup.' "

The Government's contention is that "Grenadine Syrup" means only syrup composed of sugar and the juice of the pomegranate. This the claimant denies and contends that according to the accepted meaning of the words they signify only a sugar syrup having a certain color and flavor. The claimant is the manufacturer of the syrup seized and concedes that in its manufacture no pomegranates are used. According to the claimant's evidence, the syrup is composed of sugar, citric and tartaric acid and the juices of certain fruits not disclosed. There is no evidence to the contrary and I find this to be the fact. That the syrup contains anything which may render it injurious to health, the Government does not claim.

The Government has proved adulteration and misbranding if it has proved that "Grenadine Syrup" has, in common acceptance, the limited meaning it asserts. If this is the fact, a purchaser relying on the label has the right to expect to get a syrup made with pomegranate juice, and is cheated if he gets a syrup from which such juice is absent. But unless the Government has sustained the burden of proving that the words of the label carry with them the meaning claimed, according to an understanding so general as to give any purchaser the right to believe that syrup so composed is what he is buying, neither charge has been established.

"Orange Syrup" or "Lemon Syrup" are words which, if used as labels would no doubt give a purchaser the right to expect the syrup so labeled to have been made from the familiar fruits named. The pomegranate is a less familiar fruit, nor is "grenade," its French name, the name by which it is commonly known among us. "Grenadine" is nowhere used as the name of a fruit. The word is no doubt derived from "grenade," and among its meanings, in French, as the dictionaries of that language referred to show, is, a syrup made of sugar and pomegranate juice. It does not necessarily follow, however, that the same meaning of the word is commonly used and accepted in this country. The question is one not to be settled by derivation or by dictionaries, except so far as these may tend to show the meaning of the word in common acceptance here. And whatever might otherwise be the force of the French definitions of "grenadine" as tending to establish the Government's contention, I must regard it as greatly diminished by the fact that there is shown to be in force in France, since April 3, 1909, a decree of the French Government, made in pursuance of legislation in 1905, for the suppression of fraud in the sale of goods and of food adulteration, which expressly provides that "the name Syrup of Grenadine is limited to syrup of sugar with the addition of citric acid or of tartaric acid and flavored with vegetable substances."

Many English dictionaries have been referred to by counsel, but in only one of them is "grenadine" defined as a syrup made from pomegranates. This is Webster's New International Dictionary, published by Merriam & Co. (Eds. 1910 & 1912). Two other meanings are also given, having no relation to any kind of syrup, and the meaning first referred to is, as I understand it, given as a French meaning rather than as a commonly accepted English meaning. No such meaning is given in Webster's International Dictionary, published by the same firm in 1904. The Century Dictionary and Cyclopedia Supplement, Ed. 1911, gives as one definition "a syrup; used for colds", and for this Larousse, one of the French dictionaries above referred

to, is cited; but nothing is said about the syrup being made from pomegranates. I do not find "grenadine" defined in any other English dictionary as a syrup of any kind, the other wholly different meanings of the word are the only ones given.

According to the evidence at the trial "Grenadine Syrup" has been an article of commerce in this country only during the last ten or fifteen years. Some of the syrup dealt in under that name appears to have been imported, chiefly if not wholly from France, and some of it to have been of domestic manufacture. No evidence was offered by the Government tending to show that any of it, whether imported or made here, has been actually made from pomegranates or has actually contained any pomegranate juice. The evidence satisfies me, on the other hand, that, speaking generally, no pomegranates or pomegranate juice are or have been used in making either the imported or domestic syrup, and that the imported syrup has been and is made as indicated in the decree of the French Government above referred to.

The evidence fails also to satisfy me that "Grenadine Syrup" has, in common acceptation, the limited meaning claimed by the Government. While it may be true that the names under which similar syrups are known and sold are generally taken from the source of the materials used, they are also sometimes indications only of the flavor or color, and are sometimes merely fanciful—as was admitted by one of the Government witnesses. It appears to be true that, in France, whatever the definitions found in French dictionaries, syrup actually made from pomegranates would more properly be called "sirop de grenade" than "grenadine," "sirop grenadine," or "sirop de grenadine". To my mind the fair conclusion from the evidence in the case is, that the claimant's label, in common acceptation, means not that the syrup labelled is actually made from pomegranates, but that it possesses a certain characteristic flavor and color, desired by consumers. That the purchaser of such syrup has the right, according to common understanding, to expect a syrup actually made from pomegranates, I am unable to regard as sufficiently proved. Indeed, it seems to me by no means proved that a syrup actually made from pomegranates would possess the flavor and color which purchasers of "Grenadine Syrup" have learned to desire and expect. A witness for the Government testified that he had made syrup from pomegranates and he produced samples of the result, but it did not appear that he had ever tried to sell any of it as "Grenadine Syrup". A witness for the defence who had tried the same experiment in manufacture testified that the results were unsatisfactory both as to color and flavor.

By consent of both parties, the case has been heard before the Court without a jury. My views of the law and the evidence being as above stated, I must find for the claimant and dismiss the information.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 12, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2478.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Jacob S. Shobe. Plea of nolo contendere. Fine, \$5 and costs.

ADULTERATION AND MISBRANDING OF "EGG-O-LET."

On June 10, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on November 26, 1912, a supplemental information, against Jacob S. Shobe, doing business as Shobe Manufacturing Co., Columbus, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 14, 1910, from the State of Ohio into the State of Kentucky, of a substance called "Egg-o-let", which was adulterated and misbranded. The product was labeled: "One dozen egg can (Cut of egg bearing words 'Trade Mark Egg-O-Let') * * * A substitute for Eggs. * * * Shobe Mfg. Co., Columbus, O., U. S. A. * * * Analysis of Egg-O-Let: Moisture at 100° C. 7.75; ash, 1.81; proteids (N X 6.25), 18.20; ether extract (fats), 26.25; crude fiber, 0.46; nitrogen free extract (by diff.), 45.54-100.00. We have lowered the proteids and fats to equal the hen egg. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Moisture, 7.09 per cent; ether extract, 21.05 per cent; proteids (Nx6.25), 18.19 per cent; crude fiber, 0.14 per cent; ash, 8.7 per cent; soluble sugar as invert, 3.2 per cent; starch, by hydrolysis, 36.3 per cent; lecithin phosphoric acid, 0.34 per cent; iodine number of fat extracted, 77; artificial color, Naphthol Yellow S. The sample consisted of wheat starch, corn starch (small amount), and peanut. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a product consisting of wheat starch, corn starch, and peanut was substituted wholly or in part for what the article by its label purported to be, that is to say, a dried egg product. Adulteration was alleged for the further reason that the product was colored artificially and in a manner whereby its inferiority hereinbefore

described was concealed. Misbranding was alleged for the reason that the label and brand on the product bore statements, designs, and devices regarding it and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, "One dozen egg can", "Egg-O-Let", together with the picture of an egg bearing the word "Egg-O-Let", were false, misleading, and deceptive, in that they were calculated and intended to and did convey the impression and create the belief that the product was a dried egg product, whereas, in truth and in fact, it consisted of wheat starch, a small amount of corn starch, and peanut. Misbranding was alleged for the further reason that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was a dried egg product, whereas, in truth and in fact, it was not such a product but consisted of wheat starch, a small amount of corn starch, and peanut. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the statement of analysis on the label, as set forth above, was false and misleading in that it created the impression that the product contained said amounts of moisture, ash, proteids, ether extract, crude fiber and nitrogen free extract, whereas, in truth and in fact, it contained a smaller amount of moisture, ether extract, and crude fiber, and a greater amount of ash.

On December 4, 1912, a plea of nolo contendere was entered by the defendant, and on February 15, 1913, the court imposed a fine of \$5, with costs of \$16.20.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*

2478



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2479.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Jacob S. Shobe. Plea of nolo contendere. Fine, \$5 and costs.

ADULTERATION AND MISBRANDING OF "EGG-O-LET."

On June 10, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filled in the District Court of the United States for said district an information against Jacob S. Shobe, doing business as Shobe Manufacturing Co., Columbus, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on April 12, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of a product called "Egg-O-Let," which was adulterated and misbranded. The product was labeled: "Notice * * * Egg-O-Let A substitute for Eggs * * * Absolutely pure and clean. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 23139. Analysis of Egg-O-Let: Moisture at 100° C., 7.75; ash 1.81; proteids (N X 6.25) 18.20; ether ext. (fats) 26.25; crude fiber 0.46; nitrogen free extract (by difference) 45.54; Total 100. * * * Prepared by Shobe Mfg. Co., Columbus, O., U. S. A." (Stenciled on box) "50 lbs. net. Answering for the Whites of 333-1/3 doz. eggs. F. Walters & Sons, W. Bridgewater, Pa."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Moisture, 9.3 per cent; ether extract, 10.07 per cent; ash, 7.94 per cent; proteid (N X 6.25), 31.94 per cent; sucrose, none; reducing sugar as invert, 5.2 per cent; starch (hydrolysis), 31.6 per cent; lecithin phosphoric acid, 0.032 per cent. The sample consisted of cereal starch, peanut, and a proteid substance which looked not unlike egg albumen. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a product consisting of cereal starch, peanut, and a proteid substance was substituted wholly or in part for what the article by its label purported to be, that is to say, a dried egg product. Misbranding was alleged for the reason that the label and brand on the product bore statements, designs, and devices regarding

it and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, "Egg-O-Let A substitute for eggs * * * Answering for the whites of 333-1/3 doz. eggs," were false, misleading, and deceptive in that they were calculated and intended to and did convey the impression that the product was an egg product made from the whites of eggs, whereas, in truth and in fact, it was composed of cereal starch, peanut, and a proteid substance. Misbranding was alleged for the further reason that the product was labeled and branded as aforesaid, so as to deceive and mislead the purchaser into the belief that it was a product made from the whites of eggs, whereas, in truth and in fact, it was not such a product but consisted of cereal starch, peanut, and a proteid substance. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the statement of analysis on said label, as set forth above, was false and misleading in that it created the impression that the product contained said amounts of moisture, ash, proteids, ether extract, crude fiber, and nitrogen free extract, whereas, in truth and in fact, it contained greater amounts of moisture, ash, and proteids, and a less amount of ether extract than was stated on said label.

On December 4, 1912, the defendant entered a plea of nolo contendere to the information, and on February 15, 1913, the court imposed a fine of \$5 with costs amounting to \$15.95.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2480.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Alart & McGuire Co. Plea of guilty. Fine, \$50.

ADULTERATION OF OLIVES.

On February 4, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alart & McGuire Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on October 31, 1911, from the State of New York into the State of Kentucky, of a quantity of olives which were adulterated. The product was labeled: "W-97. Hirsch Bros. Co., Louisville, Ky."

Examination of samples of the product by the Bureau of Chemistry of this Department showed that from 32 to 43 per cent of them contained worms, and that from 25 to 33 per cent were worm-eaten; they appeared to be culls. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance, to wit, of worms and wormy excrement. It will be noted that the examination of the product did not show the presence of wormy excrement.

On February 24, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 29, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2481.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Sun-Ray Water Co. Plea of guilty. Fine, \$50.

MISBRANDING OF WATER.

On January 4, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sun-Ray Water Co., a corporation, Ellenville, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on October 18, 1911, from the State of New York into the State of Pennsylvania, of a quantity of water which was misbranded. The product was labeled: "Sun-Ray Sparking. Sun-Ray The Worlds' Purest Spring Water Bottled at the Spring by Sun-Ray Water Company", and on said label was a picture of a stream of water flowing out of a tunnel, which said picture was described as follows: "Famous Sun-Ray Spring Tunnel Ellenville, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Ions.	M. P. L.	Hypothetical combination.	M. P. L.
Phosphoric acid (PO_4)-----	0.0	Ammonium chlorid (NH_4Cl)-----	-----
Metaboric acid (BO_2)-----	.0	Potassium chlorid (KCl)-----	6.3
Arsenic acid (AsO_4)-----	.0	Sodium nitrate (NaNO_3)-----	2.5
Silica (SiO_2)-----	3.5	Sodium chlorid (NaCl)-----	253.9
Sulphuric acid (SO_4)-----	6.4	Sodium sulphate (Na_2SO_4)---	9.5
Bicarbonic acid (HCO_3)-----	659.0	Sodium bicarbonate (NaHCO_3)	899.9
Nitric acid (NO_3)-----	1.8	Magnesium sulphate (MgSO_4)	-----
Nitrous acid (NO_2)-----	.0	Magnesium bicarbonate [Mg	
Chlorin (Cl)-----	157.0	(HCO_3) ₂]-----	.6
Bromin (Br)-----	.0	Calcium bicarbonate [Ca	
Iodin (I)-----	.0	(HCO_3) ₂]-----	6.5
Iron (Fe) and aluminum (Al)	1.0	Iron and alumina oxids	
Calcium (Ca)-----	1.6	(Al_2O_3), (Fe_2O_3)-----	1.4
Magnesium (Mg)-----	0.1	Silica (SiO_2)-----	3.5
Potassium (K)-----	3.3		
Sodium (Na)-----	350.0		
Lithium (Li)-----	(^a)		
Ammonium (NH_4)-----	trace.		
Oxygen (calc.) (O)-----	.4		
Total-----	1, 184.1	Total-----	1, 184.1

^a Spectroscopic trace.

The sanitary analysis showed: Ammonia free, trace; ammonia albuminoid, trace; nitrogen as nitrites, none; nitrogen as nitrates, 0.4.

Misbranding of the product was alleged in the information for the reason that the label set forth above, including the statements, designs, and pictures thereon regarding the product and the ingredients and substances contained therein, was false and misleading, in that said label would indicate that the product consisted wholly of natural spring water, whereas, in truth and in fact, it consisted of water artificially carbonated and to which had been added sodium chlorid, sodium bicarbonate, and carbon dioxid, and was further misbranded in that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof, in that said label would indicate that the product was wholly a natural spring water, whereas, in truth and in fact, it was water artificially carbonated to which had been artificially added sodium chlorid, sodium bicarbonate, and carbon dioxid.

On February 24, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*

2481



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2482.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 10 Packages Oysters. Decree of condemnation by default. Goods ordered destroyed.

ADULTERATION OF OYSTERS.

On November 8, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of ten packages of oysters remaining unsold in the original unbroken packages and in possession of Cole-Frye Oyster Co., doing business under the name of David Cole Oyster Co., Omaha, Nebr., alleging that the product had been shipped on or about November 5, 1912, by Alexander Frazer, New York, N. Y., and transported from the State of New York into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that the oysters were taken from the waters of Princess Bay and Yellowstone Bar, Jamaica Bay, which waters are polluted from sewerage from Brooklyn, N. Y., and vicinity, and said product was therefore filthy and unfit for food purposes.

On February 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1913.*

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

1704

By Authority

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2483.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 25 Boxes Nuts. Decree of condemnation by default. Goods ordered sold.

MISBRANDING OF NUTS.

On November 13, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 boxes of mixed nuts remaining unsold in the original unbroken packages and in possession of A. Reiter & Co., Baltimore, Md., alleging that the product had been shipped in interstate commerce from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "25 Lbs Peerless Brand Fancy Mixed Nuts."

Misbranding was alleged in the libel for the reason that the contents of each of the packages as originally put up, to wit, fancy mixed nuts, had been removed from said packages and other contents, to wit, nuts other than fancy mixed and of a cheaper grade, had been placed in each of said packages in their stead. Misbranding was alleged for the further reason that each of the packages of the product bore the statement that said nuts were "Peerless Brand Fancy Mixed Nuts," which statement was false and misleading in that the nuts contained in each of the packages were not "Peerless Brand Fancy Mixed Nuts," but were nuts of a cheaper grade.

On February 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 31, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2484.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 20 Boxes Nuts. Decree of condemnation by default. Goods ordered sold.

MISBRANDING OF NUTS.

On November 13, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 boxes of mixed nuts remaining unsold in the original unbroken packages and in possession of E. T. Drury & Co., Baltimore, Md., alleging that the product had been shipped from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "25 Lbs Peerless Brand Fancy mixed nuts."

Misbranding of the product was alleged in the libel for the reason that the contents of each of the packages, as originally put up, to wit, fancy mixed nuts, had been removed from the packages and other contents, to wit, nuts other than fancy mixed and of a cheaper grade, had been placed in each of the packages in their stead. Misbranding was alleged for the further reason that each of the packages bore the statement that the nuts contained therein were "Peerless Brand Fancy Mixed Nuts," which said statement was false and misleading in that they were not so, but were nuts of a cheaper grade.

On February 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 31, 1913.*

96838°—No. 2484—13



THE STATE OF NEW YORK

IN SENATE

JANUARY 1, 1891

REPORT OF THE

COMMISSIONER OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE, MAY 1, 1889

ALBANY:

Printed by the State Printer, 1891.

THE STATE OF NEW YORK

IN SENATE

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THE STATE OF NEW YORK

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2485.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 20 Sacks Shell Oysters. Decree of condemnation by default.
Goods ordered destroyed.**

ADULTERATION OF SHELL OYSTERS.

On December 9, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 sacks of shell oysters remaining unsold in the original unbroken packages and in possession of Coulbourn Bros. Co., Baltimore, Md., alleging that the product had been transported in interstate commerce from the State of New Jersey into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "For Coulbourn Bros., Baltimore, Md. Primes 900 Culls. From Harris and Compton, Planters and Shippers of Maurice River Cove Oysters, Maurice River, N. J. This Package Contains Floated Oysters."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance, to wit, filthy, decomposed, and putrid oysters.

On February 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 31, 1913.*

96838°—No. 2485—13



Journal of the Department of Agriculture

Volume 10, No. 1, 1900

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Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2486.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 13 Sacks Shell Oysters. Decree of condemnation by default.
Goods ordered destroyed.**

ADULTERATION OF SHELL OYSTERS.

On December 16, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 sacks of shell oysters remaining unsold in the original unbroken packages and in possession of J. T. McNaney, Baltimore, Md., alleging that the product had been shipped in interstate commerce from the State of New Jersey into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "J. T. McNaney, Baltimore, Md. Primes Culls From C. W. Hand, Planters and Shippers of Maurice River Cove Oysters. Bell Phone 10 Bivalve, N. J. This Package Contains Floated Oysters."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance, to wit, filthy, decomposed, and putrid oysters.

On February 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 2, 1913.*



Journal of the Proceedings of the

General Assembly of the

Church of Scotland, 1844

At the City of Edinburgh, 1844

Printed by James Ballantyne, Edinburgh

Price 1s. 6d. per Volume

The General Assembly of the Church of Scotland, 1844, was held at the City of Edinburgh, from the 1st to the 10th of May, 1844. The Assembly was composed of 100 Ministers, 100 Elders, and 100 Deacons, representing the various Presbyteries of the Church. The Assembly was presided over by the Moderator, Mr. James Ballantyne, and the Secretary, Mr. James Ballantyne. The Assembly was held in the City of Edinburgh, at the City Hall, and was attended by a large number of Ministers, Elders, and Deacons, representing the various Presbyteries of the Church. The Assembly was held in the City of Edinburgh, at the City Hall, and was attended by a large number of Ministers, Elders, and Deacons, representing the various Presbyteries of the Church.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2487.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 25 Packages of Tomato Paste. Decree of condemnation by default.
Goods ordered destroyed.**

ADULTERATION OF TOMATO PASTE.

On or about January 11, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 packages, each containing 100 retail units of tomato paste, remaining unsold in the original unbroken packages and in possession of Emilio Longhi, doing business as the Italian & Greek Products Co., 1518 South Wabash Avenue, Chicago, Ill., alleging that the product had been shipped on December 1, 1912, by the Kansas Canning Co., Kansas, Ill., and transported from the State of Illinois, through a portion of the State of Indiana, into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rosso Tomato Paste—(Design, Tomato)—Conserva—The Pulp used in the manufacture of the contents of this can contains no manufactured acids or artificial coloring. Kansas Canning Co., Kansas, Ill."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 2, 1913.*

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

THE HISTORY OF THE REIGN OF CHARLES THE FIRST, BY JOHN BURNET, A BISHOP OF THE CHURCH OF ENGLAND. IN THREE VOLUMES. THE FIRST VOLUME. LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard, 1679.

CHARLES THE FIRST, King of Great Brittain, Ireland, &c.

TO HIS MOST EXCELLENT MAJESTY, CHARLES THE FIRST, King of Great Brittain, Ireland, &c.

THE HISTORY OF THE REIGN OF CHARLES THE FIRST, BY JOHN BURNET, A BISHOP OF THE CHURCH OF ENGLAND.

IN THREE VOLUMES. THE FIRST VOLUME. LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard, 1679.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2488.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 4 Cases of Shucked Oysters. Decree of condemnation pro confesso.
Goods ordered destroyed.**

ADULTERATION OF SHUCKED OYSTERS.

On January 15, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four cases, each containing two 3-gallon cans of shucked oysters, remaining unsold in the original unbroken packages and in possession of the Booth Fisheries Co., Denver, Colo., alleging that the product had been shipped in interstate commerce from the State of Maryland into the State of Colorado and charging adulteration in violation of the Food and Drugs Act. Two of the cases were labeled: "— Galls. 6 Standards — To Booth Fisheries Co., Denver Colo. From George R. Caulk ——— St. Michaels, Md." Two of the cases were labeled: "— Galls. — Standards. Mediums 6 Selects. To Booth Fisheries Co., Denver Colo. From George R. Caulk, ——— St. Michaels, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy and putrid animal matter and by reason of said filthy and putrid animal matter was wholly unfit for use and consumption as food.

On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2489.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 27 Cases of Shucked Oysters. Decree of condemnation pro confesso.
Goods ordered destroyed.**

ADULTERATION OF SHUCKED OYSTERS.

On January 21, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 cases, 22 of which each contained 1 3-gallon can, and 5 of which each contained 1 5-gallon can, of shucked oysters, remaining unsold in the original unbroken packages and in possession of the M. C. Flint Mercantile Co., Denver, Colo., alleging that the product had been shipped in interstate commerce from the State of Maryland into the State of Colorado and charging adulteration in violation of the Food and Drugs Act. Eleven of the cases were labeled: "3 gallon standards," "For the M. C. Flint Mer. Co., Denver, Colo.—From C. A. Loockerman,—Crisfield, Maryland." Two of the cases were labeled: "5 gallons Selects."—"For the M. C. Flint Mer. Co., Denver Colo.—From C. A. Loockerman.—Crisfield, Maryland." The other cases were unlabeled.

Adulteration of the product was alleged in the libels for the reason that it consisted in whole or in part of filthy and putrid animal matter and, by reason of said filthy and putrid animal matter, was wholly unfit for use and consumption as food.

On February 25, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1913.*

96837°—No. 2489—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2490.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 10 Cases Tomato Conserve. Decree of condemnation by default.
Goods ordered destroyed.

ADULTERATION OF TOMATO CONSERVE.

On or about January 31, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of tomato conserve remaining unsold in the original unbroken packages and in possession of Microutsicos Bros., 59 New Bowery, New York, N. Y., alleging that the product had been shipped on or about January 6, 1913, by Coroneos Bros., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cans) "Tomato Conserve Conserva di Tomate Rossa. Greek Flag (Picture of Greek Flag) Brand. Packed according to Pure Food Law.—Packed by Coroneos Brothers, Philadelphia, Pa."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy and decayed vegetable substance, to wit, decayed tomatoes.

On February 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 3, 1913.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

THE FIRST VOLUME

THE SECOND VOLUME

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2491.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 396 Boxes Oranges. Decree of condemnation by consent. Goods ordered destroyed.

ADULTERATION OF ORANGES.

On February 15, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges remaining unsold in the original unbroken packages and in possession of the Pennsylvania Railroad at its produce station, Pittsburgh, Pa., alleging that the product had been shipped on or about January 15, 1913, by the Associated Fruit Exchange, Highgrove, Cal., and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "W Navels Morning Star Highgrove Fruit Exchange Highgrove California."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance and was unfit for food.

On February 25, 1913, the said Associated Fruit Exchange, claimant, having consented thereto, a judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal, and that the costs of the proceedings be paid by said claimant.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 4, 1913.*

96866°—No. 2491—13



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2492.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Benjamin A. Place and Frederick L. Place. Plea of guilty. Each defendant fined \$600.

ADULTERATION AND MISBRANDING OF VINEGAR.

On October 2, 1912, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in three counts against Benjamin A. Place and Frederick L. Place, Oswego, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on June 9, 1911, from the State of New York into the State of Massachusetts, of a quantity of so-called vinegar which was adulterated and misbranded. The product was labeled: "Not made by a Trust, Place Bros., Cider Vinegar, Extra Old-Farm Orchard Brand, Oswego, N. Y., Test No. 9."

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) Solids (grams per 100 cc), 2.56; ash (grams per 100 cc), 0.42; alkalinity of soluble ash (cc N/10 acid per 100 cc), 32.8; total acid (grams per 100 cc), 4.56; fixed acid (grams per 100 cc), 0.02; alcohol, none; lead precipitate, good; color, B. S. ($\frac{1}{2}$ -inch cell), 8; polarization direct at 30° C., -1.0° V; reducing sugar direct (grams per 100 cc), 1.59; reducing sugar invert (grams per 100 cc), 1.37; per cent sugar in solids, 53.5; glycerin (grams per 100 cc), 0.12; pentosans (grams per 100 cc), 0.10; total P_2O_5 , (mg per 100 cc), 31.2; ratio ash to non-sugar solids, 1:2.8; non-sugar solids (grams per 100 cc), 1.19. (Sample No. 2.) Solids (grams per 100 cc), 2.36; ash (grams per 100 cc), 0.39; alkalinity of soluble ash (cc N/10 acid per 100 cc), 31.2; total acid (grams per 100 cc), 4.59; fixed acid (grams per 100 cc), 0.02; alcohol, none; lead precipitate, good; color, B. S. ($\frac{1}{2}$ -inch cell), 10; polarization direct at 30° C., -1.2° V; reducing sugar direct (grams per 100 cc), 1.39; reducing sugar invert (grams per 100 cc), 1.34; per cent sugar

in solids, 56.7; glycerin (grams per 100 cc), 0.12; pentosans (grams per 100 cc), 0.10; total P_2O_5 (mg per 100 cc), 31; ratio ash to non-sugar solids, 1:2.6; non-sugar solids (grams per 100 cc), 1.02. Adulteration of the product was alleged in the first count of the information for the reason that whereas it was represented to be pure cider vinegar, in truth and in fact a mixture of diluted acetic acid and added ash material had been substituted in whole or in part therefor. Misbranding was alleged in the second count of the information for the reason that the product was labeled as set forth above, whereas by said label the product was held out and represented to be pure cider vinegar, in truth and in fact it was not pure cider vinegar, but on the contrary was a mixture of diluted acetic acid and certain so-called ash materials. Misbranding was alleged in the third count of the information for the reason that whereas by the printed label attached to each of the barrels of the product it was held out and represented to be pure cider vinegar, it was not so, but was a mixture of diluted acetic acid and added ash material, and by means of said false and fraudulent label and the representations thereon, defendants intended to mislead and deceive the purchaser or purchasers thereof as to the true nature and character of the product and said label and the false and fraudulent representations thereon contained were calculated to deceive and mislead the purchasers, in that they were thereby induced and persuaded to believe that the product was a pure cider vinegar, manufactured and derived from pure cider, when in truth and in fact it was not so.

On February 13, 1913, defendants entered a plea of guilty to the information and each was fined \$600.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 6, 1913.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2493.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. C. F. Blanke Tea & Coffee Co. Tried to a jury. Verdict not guilty.

MISBRANDING OF KAFEKA.

On January 30, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the C. F. Blanke Tea & Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 6, 1911, from the State of Missouri into the State of Virginia, and on December 14, 1910, from the State of Missouri into the State of Louisiana, of quantities of a product called Blanke's Kafeka which was misbranded. The product in both consignments was labeled: "One Pound Blanke's Kafeka. The original malted grain coffee. A God-send for the Sick and Convalescent. A Nourishing and Health Giving Bread in Liquid Form. Manufactured by C. F. Blanke & Co. St. Louis, U. S. A. Blanke's Kafeka is the nearest approach to coffee ever put on the market. It has all the merits without any objectionable features. It makes a pleasant, healthful beverage, strengthens without stimulating, satisfies without shattering the nerves. Especially recommended for children. One Pound Blanke's Kafeka: The original Malted Grain Coffee. Nutritious, Palatable, Wholesome. A Health Food as well as a Table Beverage. Aids Digestion and makes Rich Healthy Blood. Manufactured by C. F. Blanke & Co. St. Louis, U. S. A. Directions:—Use a teaspoonful to a tablespoonful for every cup, according to strength desired. Bring the water to a boiling point, add the Kafeka and boil three or four minutes. If desired it may be strained. When served add cream and sugar to suit. We strongly advocate the use of cream in place of milk. Kafeka, unlike all other substitutes for coffee, can be made the French Drip method with very best results or you can make it any way that you have been making coffee."

Analysis of a sample of the product by the Bureau of Chemistry of this Department from the first consignment showed that it consisted of a cereal product mixed with about 10 per cent of low-grade coffee, the latter containing considerable coffee chaff. Analysis of a sample from the second consignment showed it to contain some coffee tissue, estimated at 10 to 15 per cent, mixed with roasted cereals. Misbranding of the product in the first consignment was alleged in the information for the reason that the statements contained upon the package and label regarding the article and the ingredients and substances contained therein were false and misleading, and said product was labeled and branded so as to deceive and mislead the purchaser thereof and so as to lead a purchaser thereof to believe that the product was composed wholly of grains and cereals and was a substitute for coffee, whereas, in truth and in fact, the product contained and consisted of about 10 per cent of a low grade of coffee, including a considerable amount of coffee chaff and other refuse, and was not composed wholly of grains or cereals, but was a mixture of cereals, low-grade coffee, and coffee screenings. Misbranding of the product in the second consignment was alleged for the reason that the statements contained upon the package and label regarding the article and the ingredients and substances contained therein were false and misleading, and said product was labeled and branded so as to deceive and mislead the purchaser thereof and so as to lead a purchaser thereof to believe that the product was composed wholly of grains and cereals and was a substitute for coffee, whereas, in truth and in fact, it contained and consisted of about 10 to 15 per cent of coffee tissues and was not composed wholly of grains or cereals, but was a mixture of cereals and coffee tissues.

On January 10, 1913, the case having come on for trial before the court and a jury, a verdict of not guilty was rendered by the jury. The following charge was delivered to the jury by the court (Dyer, *J.*):

GENTLEMEN OF THE JURY: This inquiry, in my opinion, is limited to a very narrow compass.

What appears upon these boxes or cartons appears in this information, and the information charges in each count substantially the same thing. I will read from the information what appears upon these boxes or cartons:

"One Pound Blanke's Kafeka. The original malted grain coffee. A God-send for the Sick and Convalescent. A Nourishing and Health Giving Bread in Liquid Form. Manufactured by C. F. Blanke & Co., St. Louis, U. S. A."

"Blanke's Kafeka is the nearest approach to coffee ever put on the market. It has all the merits without any objectionable features. It makes a pleasant, healthful beverage, strengthens without stimulating, satisfies without shattering the nerves. Especially recommended for children."

"One Pound Blanke's Kafeka. The original malted grain coffee. Nutritious, Palatable, Wholesome. A Health Food as well as a Table Beverage. Aids Digestion and makes Rich Healthy Blood. Manufactured by C. F. Blanke & Co., St. Louis, U. S. A."

Then follow the directions upon each as to how to use it.

The information then charges that the statements I have just read, and which were contained upon said package and label, were false and misleading, and that the "said product was then and there labeled and branded so as to deceive and mislead the purchaser thereof in this: that said product is so labeled as to lead the purchaser thereof to believe that said product was composed wholly of grains and cereals and was a substitute for coffee, whereas in truth and in fact said product contained and consisted of about ten per cent (10%) of a low grade of coffee, including a considerable amount of coffee chaff and other refuse, and was not composed wholly of grains or cereals, but was a mixture of cereals, low grade coffee and coffee screenings."

That charge brings this case, as I have said, into very narrow limits. I am not going to comment upon the testimony given by the witnesses in this case. It is sufficient to say that the Government has introduced witnesses who have testified that the contents of these packages contained coffee and caffein.

Upon the other hand, the defense shows by its own testimony that there is no coffee or caffein in these packages. It has introduced here as witnesses the President and Vice-President of this defendant Company. It has also introduced the miller, or the man who has charge of making this preparation.

You have heard the testimony of the Government's witnesses, saying that coffee is contained in these packages, and you have heard the testimony of the defendant's witnesses saying there is no coffee contained in the packages. If you find from the evidence in the case that, as charged in this information, coffee was used in this product, then it is misbranded within the meaning of the Food & Drugs Act. If you find upon the other hand, that there was no coffee and that coffee was not used in this product, then there is no misbranding of this article by the defendant Company.

So at last the case is narrowed down to the question, was there coffee used in this product, or was there not coffee used in this product? If there was, as I have said, then this is a misbranding of the article contained in the packages. If there was no coffee in it, then it is not a misbranding of the article. In my judgment, that is all that is inquired into. You are not asked to go into the question of whether this is a good, bad or indifferent product. There is no charge of that kind. The charge is that in the branding of this article, the customer purchasing it would be misled or deceived by what appears upon the box or carton; that is, as is charged in this information, the purchaser would think it was wholly of cereal and not of coffee, and that it was a substitute, the nearest to coffee, that could be made.

It is for you to say which side of this testimony you will take as being true. If the Government's witnesses are right, and you believe their testimony beyond any reasonable doubt in the matter, then your verdict should be a verdict of guilty against this corporation. If, upon the other hand, you believe the statements made by the defendant and its employees, then your verdict should be not guilty, under this information.

This information, gentlemen, contains two counts and is a criminal information; that is to say, it charges a specific offense which is and must be considered criminal in its character. The burden of proof in this case, as in all cases of like character, rests upon the Government, and that burden does not shift during

the entire trial. It is still upon the Government to prove to your satisfaction, beyond any reasonable doubt, what is alleged in this information to be true, to-wit, that coffee was contained in these packages.

The defendant is presumed to be innocent and that presumption in this case, as in all cases of a criminal character, is to be maintained throughout the entire trial and until it is overcome by evidence that satisfies you beyond a reasonable doubt that the defendant is guilty. A reasonable doubt is such a doubt as would arise from all the testimony in the case, and such a doubt as would influence a man of ordinary business capacity in determining important issues.

If you are satisfied beyond any reasonable doubt that this defendant sent out these packages with the label on it that has been read in evidence, when in truth and in fact the product contained coffee, then, as I have said, your verdict will be in favor of the Government and a verdict of guilty against the defendant. If you are not satisfied beyond a reasonable doubt that this is true, then it is your duty to give the defendant the benefit of the doubt and return a verdict of not guilty.

That is all I can see in this case, gentlemen, and you may take the case, together with the indictment. The clerk has prepared a form of verdict which you may sign. If you find the defendant not guilty, insert the word "not" before the word "guilty" as contained in this form.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 17, 1913.*

2493



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2494.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Herman Fuchs. Plea of guilty. Sentence suspended.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On November 4, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Fuchs, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 6, 1911, from the State of New York into the State of New Jersey, of a quantity of vanilla extract which was adulterated and misbranded. The product was labeled: "Vanilla Extract. Guaranty Legend, Serial No. 6492. H. Fuchs, Importer, Manufacturer and Dealer in Fine Essential Oils and Flavoring Extracts. 173 West Broadway, Cor. Worth Street, New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, 11.2 per cent; methyl alcohol, none; vanillin, 0.66 per cent; coumarin, none; solids, 16.3 per cent; water insoluble resins, none; color entirely artificial and is caramel. Adulteration of the product was alleged in the information for the reason that there had been mixed and packed with it another substance, to wit, alcohol, water, and artificial vanillin, so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading and said product was labeled as aforesaid so as to deceive and mislead the purchaser thereof in that the label would indicate that the product was extract of vanilla bean, whereas it was not an extract of vanilla bean but an imitation of vanilla extract consisting of alcohol, water, artificial vanillin, and caramel.

On March 3, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 6, 1913.*



THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

1679

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

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1679

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2495.

(Given pursuant to section 4 of the Food and Drugs Act.

U. S. v. Herman Fuchs. Plea of guilty. Sentence suspended.

ADULTERATION AND MISBRANDING OF STRAWBERRY FLAVOR.

On February 4, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Fuchs, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 16, 1911, from the State of New York into the State of New Jersey, of a quantity of strawberry flavor which was adulterated and misbranded. The product was labeled: "Strawberry Flavor. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 6492. H. Fuchs, Importer, Manufacturer and Dealer in Fine Essential Oils and Flavoring Extracts . . . 173 West Broadway Cor. Worth Street New York Telephone 5749 Franklin."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, by volume, 19.9 per cent; sucrose by Clerget, 19.5 per cent; ash, 0.07 per cent; P_2O_5 in ash, trace only; volatile esters as ethyl acetate, 0.55 per cent; odor of geraniol after saponification; colored with a red analine dye (disazo); the product is almost entirely artificial. Adulteration of the product was alleged in the information for the reason that a substance other than strawberry flavor, to wit, a substance composed chiefly of water, alcohol, sugar, and artificial esters, colored by an analine dye, had been substituted wholly for the genuine strawberry flavor, and further in that the product was colored with the said analine dye so as to imitate the color of strawberries, and in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading and said product was labeled as aforesaid so as to deceive and mislead the purchaser thereof, in that the label would

indicate that it was a true strawberry flavor, whereas in truth and in fact it was not a true strawberry flavor but was an imitation of strawberry and consisted for the most part of water, alcohol, sugar, and artificial esters, colored by means of an analine dye.

On March 3, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 6, 1913.*

2495



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2496.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Philadelphia Pickling Co. Plea of guilty. Fine, \$50.

ADULTERATION OF TOMATO PULP.

On May 29, 1912, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Philadelphia Pickling Co., a corporation doing business at Belle Plain, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 23, 1911, from the State of New Jersey into the State of Pennsylvania, of a quantity of tomato pulp which was adulterated. The product bore no label but was shipped as tomato pulp.

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: (Sample No. 1) Mold filaments present in about 75 per cent of all microscopic fields examined; yeasts and spores, about 40 per one-sixtieth cubic millimeter; bacteria, about 110,000,000 per cubic centimeter. (Sample No. 2) Mold filaments present in about 78 per cent of all microscopic fields examined; yeasts and spores, about 40 per one-sixtieth cubic millimeter; bacteria, about 150,000,000 per cubic centimeter. (Sample No. 3) Mold filaments present in about 78 per cent of all microscopic fields examined; yeasts and spores, about 40 per one-sixtieth cubic millimeter; bacteria, about 170,000,000 per cubic centimeter. (Sample No. 4) Mold filaments present in about 62 per cent of all microscopic fields examined; yeasts and spores, about 18 per one-sixtieth cubic millimeter; bacteria, about 250,000,000 per cubic centimeter. Also that all of above-mentioned samples were much too high in molds and in bacteria and were composed in whole or in part of a decomposed product. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds.

On March 4, 1913, the defendant company withdrew its former plea of not guilty and entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 7, 1913.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2497.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 25 Barrels Olive Oil. Decree of condemnation by consent. Goods released on bond.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On January 18, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 50-gallon barrels of olive oil remaining unsold in the original unbroken packages and in possession of Antonio Marano, 744 South Seventh Street, and elsewhere, in the city of Philadelphia, Pa., alleging that the product had been shipped in interstate commerce on or about November 27, 1912, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "K. L. Calamata, Olive Oil, Greece, N. Y."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and further, in that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for the product. Misbranding was alleged for the reason that the product, labeled and branded as set forth above, purported to be olive oil, whereas, on the contrary thereof, it was not olive oil, but was a mixture of olive oil and cottonseed oil.

On March 3, 1913, P. Mustakis & Co. (Inc.), New York, N. Y., the claimant shipper, having filed an answer admitting in part the averments of the libel, but denying any intention to violate the laws of the United States, and having consented thereto, a judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$2,800, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 7, 1913.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2498.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. One Barrel Olive Oil. Decree of condemnation by consent. Goods released on bond.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On January 15, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 54-gallon barrel of olive oil remaining unsold in the original unbroken package and in possession of A. Fuimara, Ninth and Fitzwater Streets, Philadelphia, Pa., alleging that the product had been shipped in interstate commerce from the State of New York into the State of Pennsylvania, on or about November 29, 1912, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "K. L.—Calamata—Olive Oil—Greece, N. Y."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and further, in that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for the product. Misbranding was alleged for the reason that the product, labeled and branded as set forth above, purported to be olive oil, whereas, on the contrary thereof, it was not olive oil, but was a mixture of olive oil and cottonseed oil.

On March 3, 1913, P. Mustakis & Co. (Inc.), New York, N. Y., the claimant shipper, having filed an answer admitting in part the averments of the libel, but denying any intention to violate the laws of the United States, and having consented thereto, a judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$112, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 7, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2499.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. One Barrel Olive Oil. Decree of condemnation by consent. Goods released on bond.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On January 15, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation and forfeiture of one 26-gallon barrel of olive oil remaining unsold in the original unbroken package and in possession of G. Mammarella, 1008 South Ninth Street Philadelphia, Pa., alleging that the product had been transported in interstate commerce on or about November 29, 1912, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "K. L. Calamata, Olive Oil, Greece, N. Y."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and further, in that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for the product. Misbranding was alleged for the reason that the product, labeled and branded as set forth above, purported to be olive oil, whereas, on the contrary thereof, it was not olive oil, but was a mixture of olive oil and cottonseed oil.

On March 3, 1913, P. Mustakis & Co. (Inc.), New York, N. Y., the claimant shipper, having filed an answer admitting in part the averments of the libel, but denying any intention to violate the laws of the United States, and having consented thereto, a judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$112, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 7, 1913.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2500.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. William D. Zimmerman. Plea of guilty. Fine, \$10.

ADULTERATION OF CREAM.

On March 7, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Health Officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against William D. Zimmerman, Frederick, Md., alleging the sale by said defendant, at the District aforesaid, on January 28, 1913, of a quantity of cream which was adulterated in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the information for the reason that a valuable constituent thereof, to wit, butter fat, had been left out and abstracted in whole or in part.

On March 7, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 12, 1913.*

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Crosby & Myers.....	2335	Hoops, William F.....	2358
Goyer Co.....	2432	Chocolates, Ghirardelli's Italian:	
Loeb, Sol., & Co.....	2335	Ghirardelli Co.....	2238
Zucca & Co.....	2057	Chops, Apple:	
Cheese, Cream:		Thompson, Arthur J., Co.....	2126
Rappel, J. F., & Co.....	2441	Cider vinegar. (<i>See</i> Vinegar.)	
Cheese, Cream, Daisy:		Cigarettes, Chocolate (candy):	
Barber, A. H., & Co.....	2432	Hawley & Hoops.....	2355
Goyer Co.....	2432	Hoops, Herman L.....	2355
Cheese, Cream, Mayflower:		Hoops, Herman W.....	2355
Stevens, S. J., Co.....	2301	Hoops, William F.....	2355
Cherries, Dried:			
Payne, H. P., & Bro.....	2369		

FOODS—Continued.

	N. J. No.		N. J. No.
Cigars, Candy:		Drips. (<i>See</i> Sirup.)	
Greenfield's, E., Sons & Co.....	2172	Egg-o-let:	
Cigars, Peerless (candy):		Shobe Mfg. Co.....	2478, 2479
Ziegler, George, Co.....	2099	Egg for Custard:	
Cocoanut:		German American Specialty Co.....	2465
Dunham Mfg. Co.....	2413	Eggs:	
Pacific Cocoanut Co.....	2389	Redman, Nicholas T.....	2247
Compound jelly. (<i>See</i> Jelly, Compound.)		Eggs, Desiccated:	
Condensed milk. (<i>See</i> Milk, Condensed.)		Meyer, H.....	2086
Conserve, Tomato. (<i>See</i> Tomato conserve.)		Eggs, Dried:	
Coon faces (candy):		Weaver, C. H., & Co.....	2131
Ziegler, George, Co.....	2100	Eggs, Evaporated:	
Corn:		Kilbourne, L. Bernard.....	2105, 2107, 2110
McManus-Heryer Brokerage Co.....	2209	Weaver, C. H., & Co.....	2105, 2107, 2110
Corn, Cracked:		Eggs, Frozen:	
Ohio Hay & Grain Co.....	2168	Greenwich Egg Co.....	2215
Scott, S. D., & Co.....	2417	Howe, Frank M.....	2385
Corn, Sugar:		Keith, H. J., Co.....	2437
Atlantic Canning Co.....	2134	Lepman & Heggie.....	2385
Corn meal:		Essence. (<i>See</i> Extract.)	
Hopper, McGaw & Co.....	2189	Evaporated eggs. (<i>See</i> Eggs, Evaporated.)	
Mountain City Mill Co.....	2418	Evaporated milk. (<i>See</i> Milk, Evaporated.)	
Syer, C., & Co.....	2419	Extract, Almond:	
Corn sirup. (<i>See</i> Sirup, Corn.)		Royal Remedy & Extract Co.....	2143
Corn and oats:		Extract, Cassia:	
Ohio Hay & Grain Co.....	2168	Cincinnati Extract Works.....	2241
Cottonseed meal:		Mayer, Emil I.....	2241
Buckeye Cotton Oil Co.....	2305, 2314	Extract, Ginger, Jamaica:	
Leder Oil Co.....	2305	Bertin & Lepori (Inc.).....	2386
Cracked corn. (<i>See</i> Corn, Cracked.)		Cincinnati Extract Works.....	2241
Cream:		Crown Distilleries Co.....	2378
Cline, Philip H.....	2303	Mayer, Emil I.....	2241
Cullen, Kurtz E.....	2344	Extract, Jamaica ginger. (<i>See</i> Extract, Ginger, Jamaica.)	
Culler, William W.....	2430	Extract, Lemon:	
Dade, Roger L.....	2434	American Pure Coffee & Spice Co.....	2320
King, Elias D.....	2302	Blumenthal Bros.....	2047
Knill, Simon P.....	2372	Cincinnati Extract Works.....	2241
Richardson, Beebe Co.....	2064	Haynor Mfg. Co.....	2103
Southern Milk Condensing Co.....	2265	Kelley-Whitney Extract Co.....	2065
Zimmerman, W. D.....	2500	McNeil & Higgins Co.....	2108
Cupid brand salad dressing:		Mayer, Emil I.....	2241
Dodson-Braun Mfg. Co.....	2307	Parker-Browne Co.....	2381
National Pickle & Canning Co.....	2307	Royal Remedy & Extract Co.....	2143
Currant jelly. (<i>See</i> Jelly, Currant.)		Serv-us Pure Food Co.....	2320
Currants:		Western Buyers Association.....	2248
Caramandani, J., & Co.....	2341	Extract, Lemon peel:	
Kelly, Clarke & Co.....	2341	Hickok, John N., & Son.....	2135
Custard, Egg for:		Extract, Nutmeg:	
German American Specialty Co.....	2465	Cincinnati Extract Works.....	2244
Daisy cream cheese. (<i>See</i> Cheese, Cream, Daisy.)		Fowler, J. E., Co.....	2112
Delmore maples, Phoenix brand (candy):		Mayer, Emil I.....	2244
Reinhart & Newton Co.....	2211	Extract, Orange:	
Desiccated eggs. (<i>See</i> Eggs, Desiccated.)		American Products Co.....	2200
Dixie sweet sirup:		Cincinnati Extract Works.....	2243
Dixie Syrup Co. (Inc.).....	2203	Hickok, John N., & Son.....	2135
Dolls, Chocolate (candy):		Kelley-Whitney Extract Co.....	2065
Hawley & Hoops.....	2356	Mayer, Emil I.....	2243
Hoops, Herman L.....	2356	Mihalovitch, Albert.....	2200
Hoops, Herman W.....	2356	Mihalovitch, Clarence.....	2200
Hoops, William F.....	2356	Royal Remedy & Extract Co.....	2143
Dried apples. (<i>See</i> Apples, Dried.)		Extract, Orange, Blood:	
Dried cherries. (<i>See</i> Cherries, Dried.)		Cincinnati Extract Works.....	2243
Dried eggs. (<i>See</i> Eggs, Dried.)		Mayer, Emil I.....	2243
Drip sirup. (<i>See</i> Sirup.)			

FOODS—Continued.

Extract, Peach:	N. J. No.	Feeds, Wheat bran:	N. J. No.
Sethness Co.....	2470	Dunlop Milling Co.....	2387
Extract, Peppermint:		Figs:	
American Products Co.....	2146	Armas, Fillipachi & Co.....	2157
Bunch, Alonzo E.....	2298	Ohio Bkg. Co.....	2087
Mihalovitch, Albert.....	2146	Virginia Fruit & Produce Co.....	2157
Mihalovitch, Clarence.....	2146	Fish:	
Stern, Moses R.....	2116, 2459	Zucca, E.....	2427
Weideman Co.....	2094	Fish. (See also Flat lake fish; Herring; Sardines; White fish; White lake fish.)	
Extract, Pistachio:		Flat lake fish:	
American Products Co.....	2146	Maull, Louis, Cheese & Fish Co.....	2063
Cincinnati Extract Works.....	2241	Flavor. (See Extract.)	
Mayer, Emil I.....	2241	Flour:	
Mihalovitch, Albert.....	2146	Anthony Roller Mills.....	2315
Mihalovitch, Clarence.....	2146	Blanton Milling Co.....	2396
Extract, Strawberry:		Galt, William M.....	2396
Fuchs, Herman.....	2495	Majestic Flour Mfg. Co.....	2396
Extract, Tonka and vanilla:		Miller, Charles E.....	2315
Hudson Mfg. Co.....	2340, 2350	Shawnee Milling Co.....	2240
Extract, Vanilla:		Flour, Graham:	
American Products Co.....	2145	Allen & Wheeler Co.....	2132
Cincinnati Extract Works.....	2241	Frozen eggs. (See Eggs, Frozen.)	
Durkee, E. R., & Co.....	2237	Fruit jelly. (See Jelly, Fruit.)	
Ferris-Noth-Stern Co. (Inc.).....	2194	Gelatin:	
French, James M.....	2237	Jahn, W. K., Co.....	2295
Fuchs, Herman.....	2494	St. Louis Glue Manufacturing Co.....	2062
Hickok, John N., & Son.....	2135	Ghirardelli's Italian chocolates:	
Hudson Mfg. Co.....	2340, 2467, 2468	Ghirardelli Co.....	2238
Kelley-Whitney Extract Co.....	2065	Ginger extract, Jamaica. (See Extract, Ginger, Jamaica.)	
Mayer, Emil I.....	2241	Golden drip syrup, cane flavor:	
Mihalovitch, Albert.....	2145	Farrell & Co.....	2165
Mihalovitch, Clarence.....	2145	Graham flour. (See Flour, Graham.)	
Royal Remedy & Extract Co.....	2143	Grenadin sirup:	
Steinwender-Stoffregen Coffee Co.....	2198	Bettman-Johnson Co.....	2201
Van Duzer Co.....	2162	Theller, C. A., Co.....	2477
Warner-Jenkinson Co.....	2130	Herring:	
Extract, Vanilla, nonalcoholic:		Delaware & Atlantic Fishing Co.....	2079
Nonalcoholic Extract Co.....	2308	Maull, Louis, Cheese & Fish Co.....	2063
Extract, Vanilla and tonka:		Pickert, L., Fish Co.....	2164
Hudson Mfg. Co.....	2340, 2350	Honey maples (candy):	
Extract, Violet:		Brown, Frank D.....	2055
American Products Co.....	2146	Sauerston & Brown.....	2055
Mihalovitch, Albert.....	2146	Italian chocolates, Ghirardelli's:	
Mihalovitch, Clarence.....	2146	Ghirardelli Co.....	2238
Extract, Wintergreen:		Jamaica ginger extract. (See Extract, Gin- ger, Jamaica.)	
Cincinnati Extract Works.....	2242	Jelly, Cherry, Wild:	
Mayer, Emil I.....	2242	Brault & Des Jardins.....	2082
Fassett's golden drip sirup, cane flavor:		Jelly, Compound:	
Farrell & Co.....	2165	Seattle & Puget Sound Packing Co.....	2376
Feeds, Barley:		Jelly, Currant:	
Brown Grain Co.....	2453	Seattle & Puget Sound Packing Co.....	2376
Merchants Elevator Co.....	2452	Jelly, Fruit:	
Van Dusen Harrington Co.....	2451	Seattle & Puget Sound Packing Co.....	2376
Feeds, Corn and oats:		Jelly, Lemon:	
Ohio Hay & Grain Co.....	2168	Brault & Des Jardins.....	2082
Feeds, Cracked corn:		Jelly, Orange:	
Ohio Hay & Grain Co.....	2168	Brault & Des Jardins.....	2082
Feeds, Oats, No. 2 mixed:		Jelly, Peach:	
City Hay & Grain Co.....	2171	Brault & Des Jardins.....	2082
Feeds, Royal:		Jelly, Raspberry:	
Southern Fiber Co.....	2114	Brault & Des Jardins.....	2082
Feeds, Schumacher special horse:			
Matthews, George B., & Son.....	2077		
Quaker Oats Co.....	2077		

FOODS—Continued.

	N. J. No.	Milk—Continued.	N. J. No.
Jelly, Strawberry		Diechaus, Henry W.....	2440
Brault & Des Jardins.....	2082	Dorsey, Theodore B.....	2043
Jelly, Vanilla:		Eardly, Jesse.....	2439
Brault & Des Jardins.....	2082	Febus, Steve.....	2022
Ketchup. (See Tomato ketchup.)		Fischer, Edward H.....	2042
Lemon extract. (See Extract, Lemon.)		Foote, Roger.....	2024
Lemon jelly. (See Jelly, Lemon.)		Fox, Jacob.....	2023
Lemon oil. (See Oil, Lemon.)		Frink, John.....	2021
Lemon peel extract. (See Extract, Lemon peel.)		Froelke, Edward W.....	2040
Loverin's sorghum:		Gebke, Ben.....	2156
Scully, D. B., Syrup Co.....	2471	Giesbert, Calvin M.....	2346
Lukoumia (candy):		Gineritaman, Michael.....	2015
Marcopoulou, A.....	2076	Gitlin, Abraham.....	2025
Marcoupulos, A.....	2076	Gitlin, Samuel.....	2026
Lukum (candy):		Goldstein, Samuel.....	2027
Greek Product Importing Co.....	2070	Grafeman Dairy Co.....	2292
Syra Lukum Co.....	2070	Grawe, Bernard.....	2154
Malt saccharine:		Greenberg, Nathan.....	2017
Ferris-Noeth-Stern Co. (Inc.).....	2195	Grefe, Ernest.....	2276
Maple hearts (candy):		Grey, James B.....	2016
Rigney & Co.....	2338	Haar, Mrs. Catherine.....	2287
Maple sirup. (See Sirup, Maple.)		Haar, Theodore.....	2259
Maple sugar syrup, Wedding breakfast cane and:		Hempen, Anton.....	2273
Farrell & Co.....	2205	Himmelstein, F.....	2217
Maples, Honey:		Huelsman, August.....	2289
Brown, Frank D.....	2055	Huer, H. W.....	2044
Sauerston & Brown.....	2055	Johnson, R. F.....	2039
Maples, Phoenix brand Delmore (candy):		Kenyon, C. H.....	2028
Reinhart & Newton Co.....	2211	Kierle, Frank.....	2045
Maplettes, Phoenix brand (candy):		Kloeckner, John.....	2288
Reinhart & Newton Co.....	2208	Knolhoff, Henry.....	2271
Maraschino cherries. (See Cherries, Mara- schino.)		Knolhoff, William.....	2260
Mayflower cream cheese. (See Cheese, Cream, Mayflower.)		Konaszewski, Katherine.....	2029
Meal. (See Alfalfa meal; Corn meal; Cotton- seed meal.)		Krebs, Caspar.....	2267
Meat sauce and salad dressing:		Lamb, William S.....	2034
Durkee, E. R., & Co.....	2104	Lampe, Frederick.....	2153
French, James M.....	2104	Langenhorst, Margaret.....	2286
Milk:		Larkham, George E.....	2037
Ahlers, Herman.....	2284	Levine, Jacob.....	2036
Albers, Theodore C.....	2155	Litchnik, Harry.....	2035
Appley, Fred J.....	2218	Luebbers, Ben.....	2291
Appley, James L.....	2001	Maine, Chester S.....	2030
Bennett, Albert F.....	2004	Mane, Clem.....	2283
Bennett, Earl.....	2005	Mane, John.....	2270
Bernstein, Isaac.....	2006	Marburger, Ed. J.....	2414
Boratz, Jake.....	2002	Michael, John.....	2290
Brown, J. F.....	2216	Minsk, H.....	2032
Brunn, Henry.....	2293	Minsk, J.....	2033
Budde, Frank.....	2266	Murray, Patrick.....	2031
Burdick, Walter L.....	2003	Nieman, William.....	2416
Burmeister, Henry.....	2261	Orrell, Albert.....	2281
Clark, Martin.....	2014	Ortman, Frank.....	2263
Coats, George D.....	2019	Partelo, F. Mason.....	2013
Cornelius, Andrew.....	2343	Popkins, Richard N.....	2435
Cornelius, Bernard.....	2343	Rattner, Lemuel.....	2012
Crandall, C. M.....	2018	Reader, Frederick G.....	2038
Davis, Harry.....	2020	Reinkensmeyer, Christian.....	2152
Davis, Mrs. Charles.....	2282	Richter, B. J.....	2280
		Richter, William G.....	2279
		Roeckenhaus, Henry.....	2264
		Rueter, William.....	2274
		St. Louis Dairy Co.....	2051

FOODS—Continued.

Milk—Continued.	N. J. No.	Olive oil:	N. J. No.
Schindel, M. S.	2297	De Feo, Mike.	2102
Schroeder, August.	2275	Derosa, Luigi.	2043
Schulte, John, sr.	2262	Fanara, Robert.	2160
Schweirjohn, Anton.	2151	Gengaro & Muselli.	2159
Sekinsky, Isaac.	2010	Geremia Bros.	2101
Selzer, L.	2009	Guzzetto Bros.	2081
Simpson, William G.	2420	Muselli, Cesare.	2159
Smith, Horace H.	2345	Mustakis, P., & Co.	2497, 2498, 2499
Soloway, Harry.	2011	Pompeian Co.	2121
Spihlmann, John.	2278	Selafani Bros.	2393
Sprehe, Gerhart.	2269	Olive:	
Sprehe, Mrs. Henry.	2285	Alart & McGuire Co.	2480
Thompson, J. E.	2007	Orange extract. (See Extract, Orange.)	
Timmerman, Herman.	2268	Orange extract, Blood. (See Extract, Orange, Blood.)	
Trame, August.	2272	Orange jelly. (See Jelly, Orange.)	
Tyler, Charles E.	2092	Oranges:	
Whitehouse, Harm.	2415	California Fruit Growers Exchange.	2454
Wilkel, Michael A.	2063	Central California Citrus Exchange.	2384
Wilson, William I.	2041	Drake Citrus Association.	2384
Winstein, Samuel.	2008	Highgrove Associated Fruit Exchange.	2491
Zimmerman, Carl.	2277	Lindsay Fruit Association.	2384
Zitron, Alter.	2219	Porterville Citrus Association.	2384
Milk, Condensed:		Stewart Fruit Co.	2384
Richman, William.	2445	Tulare County Citrus Exchange.	2384
White Hall Condensed Milk Co.	2326	Oranges, Crushed:	
Milk, Evaporated:		Klein, E. L.	2422
Bernstein, Louis.	2181	Orange Canning Co.	2422
Bernstein, Morris.	2181	Oysters:	
Boos, ———.	2181	Beaufort Little Neck Clam Co.	2316
Campbell & West.	2181	Bryant, John.	2249
Conybear, N. G., & Co.	2181	Caulk, George R.	2488
Meadowbrook Condensed Milk Co.	2142	Frazer, Alexander, Co.	2382, 2482
Richardson, Beebe Co.	2064	Hand, C. W.	2486
Sharpless, P. E., Co.	2457, 2458, 2460	Harris & Compton.	2485
Mincemeat:		Hayden, E. H.	2113
Marvin, W. H., Co.	2069	Howlett, Michael P.	2190
Molasses:		Loockerman, C. A.	2489
Gordon Syrup Co.	2122	Lowden, George W., Co.	2095
Native purity pure maple sirup:		Martin, O.	2327
Johnson, F. N., Co.	2331, 2333	Potter, E. H.	2316
Nutmeg extract. (See Extract, Nutmeg.)		Potter, G. D.	2316
Nutmegs:		Twilley, William.	2111
Farrington & Whitney.	2329	Pancake brand sirup:	
Mason, E. A.	2329	Bliss Syrup Refining Co.	2085
Nuts:		Pancake drip:	
Drury, E. T., & Co.	2484	Bliss Syrup Refining Co.	2318
Reiter, A., & Co.	2433	Paprika:	
Oats, No. 2 mixed:		Farrington & Whitney.	2319
City Hay & Grain Co.	2171	Frank Tea & Spice Co.	2204
Oats and corn:		Paste, Tomato. (See Tomato paste.)	
Ohio Hay & Grain Co.	2168	Peach extract. (See Extract, Peach.)	
Oil, Banana:		Peach jelly. (See Jelly, Peach.)	
Sethness Co.	2470	Peas:	
Oil, Bitter almond:		Kokomo Canning Co.	2074
Dodge & Olcott Co.	2377	Thorndike & Hix.	2050
Oil, Lemon:		Wabash Canning Co.	2175
Haberman, Eugene.	2337	Peerless cigars (candy):	
Manhattan Importing Co.	2337	Ziegler, George, Co.	2099
Oil, Olive. (See Olive oil.)		Pepper:	
Oil, Pineapple:		Arbuckle Bros.	2073
Sethness Co.	2470	Frank, Charles.	2093 (suppl. to 835)
Oil, Strawberry:			
Sethness Co.	2470		

FOODS—Continued.

Pepper—Continued.	N. J. No.	Segars, chocolate (candy):	N. J. No.
Frank, Emil.....	2098 (suppl. to 835)	Hawley & Hoops.....	2359, 2360, 2362
Frank, Jacob.....	2098 (suppl. to 835)	Hoops, Herman L.....	2359, 2360, 2362
Jewett Bros. & Jewett.....	2078	Hoops, Herman W.....	2359, 2360, 2362
Peppermint extract. (See Extract, Pepper-mint.)		Hoops, William F.....	2359, 2360, 2362
Phoenix brand Delmore maples (candy):		Sirup, Cane, Wild forest brand:	
Reinhart & Newton Co.....	2211	Johnson, F. N., Co.....	2332, 2333
Phoenix brand maplettes (candy):		Sirup, Corn:	
Reinhart & Newton Co.....	2208	Scully, D. B., Co.....	2383
Phoenix confections:		Sirup, Corn and cane:	
Reinhart & Newton Co.....	2192	Long Syrup Refining Co.....	2390
Pickles, Sweet:		Mason-Ehrman Co.....	2390
Pyles, John T. D.....	2324	Sirup, Dixie sweet:	
Pineapple oil:		Dixie Syrup Co. (Inc.).....	2203
Sethness Co.....	2470	Sirup, Drips:	
Pineapple slices (candy):		Long Syrup Refining Co.....	2390
Reinhart & Newton Co.....	2192	Mason-Ehrman Co.....	2390
Pipes, chocolate (candy):		Sirup, Golden drip, cane flavor:	
Hawley & Hoops.....	2358	Farrell & Co.....	2165
Hoops, Herman L.....	2358	Sirup, Grenadin:	
Hoops, Herman W.....	2358	Bettman-Johnson Co.....	2201
Hoops, William F.....	2358	Theller, C. A., Co.....	2477
Pistachio extract. (See Extract, Pistachio.)		Sirup, Maple:	
Plums:		Graby, Augustus.....	2429
Oceana Canning Co.....	2178	Marx, M. A.....	2429
Polar bear brand sirup:		Sirup, Maple, Dixie sweet:	
Bliss Syrup Refining Co.....	2085	Dixie Syrup Co. (Inc.).....	2203
Preserves, Blackberry-apple:		Sirup, Maple, Native purity pure:	
St. Louis Syrup & Preserving Co.....	2398	Johnson, F. N., Co.....	2331, 2333
Preserves, Strawberry-apple:		Sirup, Maple, Wild forest brand:	
St. Louis Syrup & Preserving Co.....	2397	Johnson, F. N., Co.....	2332, 2333
Prunes:		Sirup, Pancake brand:	
Atlas Preserving Co.....	2150	Bliss Syrup Refining Co.....	2085
Kickabush Grocery Co.....	2294	Sirup, Pancake drip:	
Merchants & Miners Transportation Co..	2144	Bliss Syrup Refining Co.....	2318
Pulp, Tomato. (See Tomato pulp.)		Sirup, Polar bear brand:	
Raspberries:		Bliss Syrup Refining Co.....	2085
Sanfacon, Florent.....	2223	Sirup, Scudder's Canada:	
Raspberry jelly. (See Jelly, Raspberry.)		Scudder Syrup Co.....	2473
Rice:		Sirup, Sorghum:	
Allen Bros Co.....	2379	Scully, D. B., Syrup Co.....	2080, 2471
Talmage, John S., Co. (Ltd.).....	2097	Sirup, Squirrel brand table:	
Royal feed:		Hubinger, J. C., Bros. Co.....	2231
Southern Fiber Co.....	2114	Roth, Adam, Grocery Co.....	2231
Saccharine, Malt:		Sirup, Wedding breakfast cane and maple sugar:	
Ferris-Noeth-Stern Co. (Inc.).....	2195	Farrell & Co.....	2205
Salad dressing, Cupid brand:		Sirup, Wild forest brand:	
Dodson-Braun Manufacturing Co.....	2307	Johnson, F. N., Co.....	2330
National Pickle & Canning Co.....	2307	Sorghum, Loverin's:	
Salad dressing and meat sauce:		Scully, D. B., Syrup Co.....	2471
Durkee, E. R., & Co.....	2104	Sorghum sirup. (See Sirup, Sorghum.)	
French, James M.....	2104	Spinach:	
Salmon:		Farren, J. S., & Co.....	2206
Pacific American Fisheries Co.....	2400	Squirrel brand table sirup:	
Salt:		Hubinger, J. C., Bros. Co.....	2231
Liverpool Salt & Coal Co.....	2391, 2446	Roth, Adam, Grocery Co.....	2231
Sardines:		Stock feed. (See Feeds.)	
Cohn-Hume Fisheries Co.....	2251, 2325	Strawberries, Preserved:	
Schumacher special horse feed:		Malcolm, J. B., & Co.....	2163
Matthews, George B., & Son.....	2077	Morey Mercantile Co.....	2163
Quaker Oats Co.....	2077	Strawberry-apple preserves:	
Scudder's Canada sirup:		St. Louis Syrup & Preserving Co.....	2397
Scudder Syrup Co.....	2473	Strawberry extract. (See Extract, Strawberry.)	

FOODS—Continued.

N. J. No.		Tomatoes—Continued.		N. J. No.	
Strawberry jelly. (<i>See</i> Jelly, Strawberry.)		Farren, J. S., & Co. (Inc.).....		2174	
Strawberry oil:		Roberts Bros.....		2067, 2202	
Sethness Co.....		South Lebanon Preserving Co.....		2300	
Succotash:		Van Lill, S. J., Co.....		2245	
Augusta Canning Co.....		Tonka and vanilla extract. (<i>See</i> Extract,			
Sugar corn:		Tonka and vanilla.)			
Atlantic Canning Co.....		Vanilla extract. (<i>See</i> Extract, Vanilla.)			
Sunshine Suffolk biscuit (arrowroot):		Vanilla jelly. (<i>See</i> Jelly, Vanilla.)			
Loose-Wiles Biscuit Co.....		Vanilla and tonka extract. (<i>See</i> Extract,			
Teddy bears, Chocolate (candy):		Vanilla and tonka.)			
Hawley & Hoops.....		Vinegar:			
Hoops, Herman L.....		Central City Pickle Co.....		2220, 2236	
Hoops, Herman W.....		Dawson Bros. Mfg. Co.....		2185	
Hoops, William F.....		Haarmann Vinegar & Pickle Co.....		2093, 2399	
Tomato conserve:		Henning, William, Co.....		2083	
Coroneos Bros.....		Hughes, R. M., & Co.....		2388	
Tomato ketchup:		Ohio Cider Vinegar Co.....		2464	
Atlas Preserving Co. (Inc.).....		Place, M. H. & M. S.....		2170, 2492	
Ayars, B. S., & Sons Co.....		Schloss Crockery Co.....		2061	
Flaccus, E. C., Co.....		Spielman Bros. Co.....		2469, 2472, 2474	
Grant, H. E.....		Vinegar compound, Apple:			
Indiana Tomato Seed Co.....		Sharp-Elliott Mfg. Co.....		2158	
Keokuk Pickle Co.....		Violet extract. (<i>See</i> Extract, Violet.)			
McMechen Preserving Co.....		Wedding breakfast cane & maple sugar			
National Pickle & Canning Co. 2311, 2312, 2423		syrup:			
Neosho Canning Co.....		Farrell & Co.....		2205	
Schwabacher Bros. & Co.....		Wheat:			
Van Lill, S. J., Co.....		Lull, Charles R.....		2125	
Tomato paste:		Metzler, Claudius E.....		2125	
Kansas Canning Co.....		Mueller, E. B., & Co.....		2125	
Philadelphia Pickling Co. 2456 (suppl. to 1744)		Wheat bran:			
Tomato pulp:		Dunlop Milling Co.....		2387	
Cooke Shanawolf Co.....		Whistles, Chocolate (candy):			
Crothersville Canning Co.....		Hawley & Hoops.....		2358	
Foote, D. E., & Co.....		Hoops, Herman L.....		2358	
Gypsum Canning Co.....		Hoops, Herman W.....		2358	
Knightstown Conserve Co.....		Hoops, William F.....		2358	
Martin & Lehr.....		White fish:			
Philadelphia Pickling Co.....		Maull, Louis, Cheese & Fish Co.....		2063	
Seymour Canning Co.....		White lake fish:			
Tomato sauce:		Dickman, O. H., & Co.....		2412	
Da Prato, Angelo.....		Wild cherry jelly. (<i>See</i> Jelly, Cherry,			
Tomatoes:		Wild.)			
Assau, W. F., Canning Co. (Inc.).....		Wild forest brand syrup: *			
Berkman, Aaron.....		Johnson, F. N., Co.....		2330, 2332, 2333	

BEVERAGES.

Absinthe:		Beer, Dove brand:			
Arrow Distilleries Co.....		Gerst, William, Brewing Co.....		2227	
Apple brandy. (<i>See</i> Brandy, Apple.)		Beer, Pilsener style:			
Apricot cordial. (<i>See</i> Cordial, Apricot.)		Obermeyer & Liebmann.....		2229	
Atlas carbonated soda (beer):		Beer, Temperance:			
Bachman, H. E.....		Wheeling Specialty Bottlery Co.....		2466	
Wheeling Specialty Co.....		Benedittina:			
Bavarian malt extract:		Bertin & Lepori.....		2405	
Heim, Ferd, Brewing Co.....		Blackberry cordial. (<i>See</i> Cordial, Black-			
Imperial Brewing Co.....		berry.)			
Kansas City Breweries Co.....		Blackberry flavored juice:			
Beer:		Mihalovitch Co.....		2056	
Monumental Brewing Co.....		Brandy:			
(Beer) Atlas carbonated soda:		Cropper, Francis, Co.....		2449	
Bachman, H. E.....		Brandy, Apple:			
Wheeling Specialty Co.....		Old Spring Distilling Co.....		2253	

BEVERAGES—Continued.

	N. J. No.		N. J. No.
Brandy, Peach:		Gin:	
Moysse Bros.	2066	Bertin & Lepori.	2405
Burgundy wine. (<i>See</i> Wine, Burgundy.)		Corning & Co.	2373
Carbonated soda, Atlas (beer):		Shufeldt, Henry H., & Co.	2374
Bachman, H. E.	2182, 2183, 2184	Gin, and orange, Honey:	
Wheeling Specialty Co.	2182, 2183, 2184	Furst Bros.	2239
Champagne. (<i>See</i> Wine, Champagne.)		Grape juice:	
Cherry cordial, Wild. (<i>See</i> Cordial, Cherry, Wild.)		Clarke, W. E., Co.	2054
Cherry, Wild, phosphate:		Fredonia Wine Co.	2054
Spencer, L. G.	2115	Wilbur, Henry T.	2054
Thompson Phosphate Co.	2115	Wilbur, Katherine C.	2054
Cherry, Wild, stock:		Hiccura mineral water:	
Crown Cordial & Extract Co.	2304	Hiccura Mineral Water Co.	2380
Chicory:		Panabaker, P. F.	2380
Muller, E. B., & Co.	2058	Honey, gin, and orange:	
Chicory and coffee compound:		Furst Bros.	2239
Potter-Sloan-O'Donohue Co.	2180	Kafeka:	
Chocolate, Soluble:		Blanke, C. F., Tea & Coffee Co.	2493
Hance Bros. & White.	2348	Koko:	
Claret wine. (<i>See</i> Wine, Claret.)		Hance Bros. & White.	2348
Cocoa:		Kummel:	
Hance Bros. & White.	2348	Bettman-Johnson Co.	2309
Cocoa, Phillips' digestible:		Mihalovitch Co.	2138
Phillips, Charles H., Chemical Co.	2186	La Margarita en Loeches water:	
Coffee:		Schierer, Henry.	2173
Aragon Coffee Co.	2179	Malt extract, Bavarian:	
Arndt, Christian.	2128	Heim, Ferd, Brewing Co.	2258
Bleecker, Rutgers & Co.	2455	Imperial Brewing Co.	2258
Great Atlantic & Pacific Tea Co.	2210	Kansas City Breweries Co.	2258
Guatemala Coffee Co.	2433	Malt nutritive:	
Harrison, John W.	2179	Anheuser-Busch Brewing Assn.	2310
Hinz, F. W., & Son.	2250	Malt tonic:	
Oberbacher Coffee Co.	2128	Coburg, John L.	2235
Steinwender, Stoffregan & Co.	2128	Mineral water, Hiccura:	
Stoffregan, Charles.	2128	Hiccura Mineral Water Co.	2380
Coffee and chicory compound:		Panabaker, P. F.	2380
Potter-Sloan-O'Donohue Co.	2180	Orange, Honey, gin and:	
Cordial, Apricot:		Furst Bros.	2239
Bastheim, A.	2089	Orangeade:	
Fisher, F. V.	2089	Cropper, Francis, Co.	2448
Gottstein, M. & K.	2089	Orangeade sirup:	
Cordial, Blackberry:		Blanke-Baer Chemical Co.	2421
Bastheim, A.	2137	Peach brandy. (<i>See</i> Brandy, Peach.)	
Bettman-Johnson Co.	2221	Phillips' digestible cocoa:	
Bluthenthal & Bickart (Inc.)	2193	Phillips, Charles H., Chemical Co.	2186
Fisher, F. V.	2137	Phosphate, Cherry, Wild:	
Gottstein, M. & K.	2137	Spencer, L. G.	2115
Hollander, Frances.	2060	Thompson Phosphate Co.	2115
Sweet Valley Wine Co.	2347	Pilsener style beer:	
Cordial, Cherry, Wild:		Obermeyer & Liebmann.	2229
Sweet Valley Wine Co.	2347	Red dragon seltzer:	
Cordial, Fruits and flowers:		Asquith, George D.	2246
Weideman Co.	2094	Scuppernong wine. (<i>See</i> Wine, Scuppernong.)	
Cordial, Tom and Jerry:		Seltzer, Red dragon:	
Luyties Bros.	2462	Asquith, George D.	2246
Crazy mineral water:		Shaco-Kauphy:	
Crazy Wells Water Co.	2224	Angell, S. H., & Co.	2139
Dove brand beer:		Craven, McDonough.	2139
Gerst, William, Brewing Co.	2227	Sirup, Orangeade:	
Flowers, Fruits and, cordial. (<i>See</i> Cordial, Fruits and flowers.)		Blanke-Baer Chemical Co.	2421
Fruit juice:		Sirup, Tamarind:	
Daggett, F. L., Co.	2071	Finora & Co.	2052
Fruits and flowers cordial. (<i>See</i> Cordial, Fruits and flowers.)		Soda, Atlas carbonated (beer):	
		Bachman, H. E.	2182, 2183, 2184
		Wheeling Specialty Co.	2182, 2183, 2184

BEVERAGES—Continued.

	N. J. No.		N. J. No.
Sun-ray water:		Water, La Margarita en Loeches:	
Sun-Ray Water Co.....	2481	Schierer, Henry.....	2173
Tamarind sirup. (<i>See</i> Sirup, Tamarind.)		Water, Sun-ray:	
Temperance beer:		Sun-Ray Water Co.....	2481
Wheeling Specialty Bottlery Co.....	2466	Wild cherry cordial. (<i>See</i> Cordial, Cherry, Wild.)	
Tom and Jerry cordial:		Wild cherry stock:	
Luyties Bros.....	2462	Crown Cordial & Extract Co.....	2304
Tonic, Malt:		Wine, Burgundy:	
Coburg, John L.....	2235	Schlesinger & Bender (Inc.).....	2096
Vodka:		Wine, Champagne:	
Bosak, Michael.....	2256	Dubreuil, E., & Fils.....	2392
Fulton Extract & Cordial Works.....	2166	Wine, Claret:	
Katz, L. B.....	2225, 2349	French-American Wine Co.....	2088
Russian Monopole Co.....	2225, 2226	Ryckman, G. E., Wine Co.....	2401
	2228, 2230, 2232, 2234, 2252, 2254,	Wine, Supperlong:	
	2256, 2349, 2408, 2409, 2410, 2411	Schmidt, Jr., A., & Bro. Wine Co....	2404, 2447
Shulman, S.....	2252, 2254	Sweet Valley Wine Co.....	2402
Water, Crazy mineral:			
Crazy Water Wells Co.....	2224		

DRUGS.

Acetanilid tablets:		Caffein citrate tablets:	
Case, Ensley J.....	2188	Flint, Eaton, & Co.....	2365
Case, George W.....	2188	Caffein and acetanilid compound tablets:	
Flint, Eaton & Co.....	2365	Flint, Eaton, & Co.....	2366
Irwin, Neisler & Co.....	2395	Cajuput oil:	
Sutliff & Case Co.....	2188	Meyer Bros. Drug Co.....	2147
Weinkauff, Jacob.....	2188	Cassia oil:	
Acetanilid and caffein compound tablets:		Rockhill & Vietor.....	2072
Flint, Eaton, & Co.....	2366	Vietor, Carl L.....	2072
Acetanilid and sodium tablets:		Chewing gum. (<i>See</i> Gum, chewing.)	
Upjohn Co.....	2313	Cloves, Oil of:	
Apples, colocynth:		Crandall Pettee Co.....	2476
Peek & Velsor.....	2438	Coca, Beef, wine, and:	
Velsor, Joseph A.....	2438	Case, Ensley J.....	2213
Velsor, Joseph H.....	2438	Case, G. W.....	2213
Beef, wine, and coca:		Sutliff & Case Co.....	2213
Case, Ensley J.....	2213	Weinkauff, J.....	2213
Case, G. W.....	2213	Cold push treatment No. 12, Dr. Pusheck's:	
Sutliff & Case Co.....	2213	Pusheck, Dr. Charles A.....	2117
Weinkauff, J.....	2213	Cold tablets:	
Belladonna leaves:		Irwin, Neisler & Co.....	2394
Murray & Nickell Mfg. Co.....	2091	Colocynth apples:	
Bennett's, Dr., wonder oil:		Peek & Velsor.....	2438
Bennett Medicine Co.....	2106	Velsor, Joseph A.....	2438
Benzaldehyde oil:		Velsor, Joseph H.....	2438
Dodge & Olcott Co.....	2377	Coriander oil:	
Bitter almond oil:		Horner, James B.....	2475
Dodge & Olcott Co.....	2377	Damiana:	
Bitters, Fernet-extra:		Shufeldt, Henry H., & Co.....	2375
Bertin & Lepori.....	2405	Elixir iron:	
(Bitters) Fernet-L-Branca:		Affleck, P. G.....	2428
Cordial-Panna Co.....	2075	Essence, Jamaica ginger:	
Bitters, Hamburg stomach:		Farris, W. S.....	2169
Weideman Co.....	2094	Union Mfg. & Packing Co.....	2169
Bitters, Litthauer stomach:		Fernet-extra (bitters):	
Lowenthal, Strauss Co.....	2207	Bertin & Lepori.....	2405
Bitters, Pale orange:		Fernet-L-Branca (bitters):	
Bettman-Johnson Co.....	2199	Cordial-Panna Co.....	2075
Bitters, Pepsin magen:		Freckeleater:	
Bettman-Johnson Co.....	2222	Baker-Wheeler Mfg. Co.....	2443
Caffein tablets:		Freckeleater Co.....	2443
Irwin, Neisler & Co.....	2395		

DRUGS—Continued.

	N. J. No.		N. J. No.
Ginger, Jamaica, essence:		Oil, Linseed:	
Farris, W. S.	2169	Duluth & Superior Linseed Works.	2149
Union Mfg. & Packing Co.	2169	Gatlin Mfg. Co.	2336
Gum, Chewing:		Hurlburt, M. A., & Co.	2149
American Chic Co.	2352	Oil, Rosemary flowers:	
Gum tragacanth:		Horner, James B.	2141
Hopkins, J. L., & Co.	2436 (suppl. to 1881)	Stillwell, Arthur A., & Co.	2123
Hair, Rum and quinine for the:		Oil, Sassafras:	
Edelstein, Albert.	2321	Ungerer & Co.	2136
Monte Christo Cosmetic Co.	2321	Opium, Tincture of deodorized:	
Hamburg stomach bitters:		Flint, Eaton, & Co.	2367
Weideman Co.	2094	Irwin, Neisler & Co.	2395
Iodin, Tincture of:		Orange bitters, Pale:	
Asquith, G. D.	2444	Bettman-Johnson Co.	2199
Bronaugh, A. T.	2426	Pale orange bitters:	
Butler & Field.	2463	Bettman-Johnson Co.	2199
Field, William C.	2463	Pepsin magan bitters:	
Krick, J. Louis.	2424	Bettman-Johnson Co.	2222
Morgan Bros.	2425	Phenacetin tablets:	
Robey's Pharmacy.	2431	Irwin, Neisler & Co.	2395
Iron, Elixir:		Pushack's, Dr., Cold push treatment No. 12:	
Affleck, P. G.	2428	Pushack, Dr. Charles A.	2117
Jamaica ginger essence. (See Ginger, Jamaica, essence.)		Quinin:	
Lavender flowers oil:		Affleck, P. G.	2428
Horner, James B.	2129	Quinin sulphate tablets:	
Stillwell, Arthur A., & Co.	2133	Flint, Eaton, & Co.	2365
Linseed oil:		Quinin and rum for the hair:	
Duluth & Superior Linseed Works.	2149	Edelstein, Albert.	2321
Gatlin Mfg. Co.	2336	Monte Christo Cosmetic Co.	2321
Hulburt, M. A., & Co.	2149	Rosemary flowers oil:	
Litthauer stomach bitters:		Horner, James B.	2141
Lowenthal, Strauss Co.	2207	Stillwell, Arthur A., & Co.	2123
Monte Christo rum and quinine for the hair:		Rum and quinin for the hair:	
Edelstein, Albert.	2321	Edelstein, Albert.	2321
Monte Christo Cosmetic Co.	2321	Monte Christo Cosmetic Co.	2321
Nitroglycerin tablets:		Salol tablets:	
Case, Ensley J.	2188	Irwin, Neisler & Co.	2395
Case, George W.	2188	Sassafras oil:	
Flint, Eaton, & Co.	2365	Ungerer & Co.	2136
Milliken, John T., & Co.	2059	Sodium salicylate tablets:	
Neisler, Irwin, & Co.	2306	Flint, Eaton, & Co.	2365
Sutliff & Case Co.	2188	Sodium and acetanilid tablets:	
Upjohn Co.	2299	Upjohn Co.	2313
Weinkauff, Jacob.	2188	Stomach bitters, Hamburg:	
Nux vomica tablets:		Weideman Co.	2094
Case, Ensley J.	2191	Stomach bitters, Litthauer:	
Case, G. W.	2191	Lowenthal, Strauss Co.	2207
Sutliff & Case Co.	2191	Stramonium leaves:	
Weinkauff, J.	2191	Murray & Nickell Mfg. Co.	2090
Oil, Benzaldehyde:		Strychnin:	
Dodge & Olcott Co.	2377	Affleck, P. G.	2428
Oil, Bitter almond:		Strychnin sulphate tablets:	
Dodge & Olcott Co.	2377	Irwin, Neisler & Co.	2395
Oil, Cajuput:		Tincture of iodine. (See Iodin, Tincture of.)	
Meyer Bros. Drug Co.	2147	Tragacanth, Gum:	
Oil, Cassia:		Hopkins, J. L., & Co.	2436 (suppl. to 1881)
Rockhill & Vietor.	2072	Turpentine:	
Vietor, Carl L.	2072	Southern States Turpentine Co.	2450
Oil, Cloves:		U. S. Turpentine & Linseed Oil Co.	2109
Crandall Pettet Co.	2476	Wine and coca, Beef:	
Oil, Coriander:		Case, Ensley J.	2213
Horner, James B.	2475	Case, G. W.	2213
Oil, Lavender flowers:		Sutliff & Case Co.	2213
Horner, James B.	2129	Weinkauff, J.	2213
Stillwell, Arthur A., & Co.	2133	Witch-hazel:	
		Tunkhannock Distilling Co.	2140
		Wonder oil, Dr. Bennett's:	
		Bennett Medicine Co.	2106



